(*b*) Vocational optionals have been recommended as part of the new syllabus by the Syllabus Revision Committee, but in view of the complicated nature of the problem, Government have left it to be threshed out by the Educational Reforms Committee.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*) May I know whether the personnel of the Educational Reforms Committee has been decided upon?

MR. K. GEORGE (*Chief Secretary to Government*): That has nothing to do with the subject of the interpellation.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): The answer is

".....in view of the complicated nature of the problem Government have left it to be threshed out by the Educational Reforms Committee."

Therefore, the Committee has been brought into prominence in the answer.

MR. K. GEORGE (*Chief Secretary to Government*): Only the Committee, and not the personnel of the Committee. Personnel is a different matter. The Committee will be constituted shortly.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): So, it is not yet known who the members of the Committee will be?

MR. K. GEORGE (*Chief Secretary to Government*): No.

Report of the Inspector of English schools on vocational training.

113. **MR. M. N. NARAYANA MENON** (*Kottayam*): Will the Government be pleased to state:

(*a*) whether the report of the Inspector of English Schools on vocational training is published and

(*b*) if not, why it is not published?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) No.

(b) Because, the scheme submitted by the Inspector of English Schools on vocational training was only a tentative one. Government have decided that the whole question may be referred to the Educational Reforms Committee.

MR. M. N. NARAYANA MENON (*Kottayam*): ആ കമ്മിറ്റി ജോലി എന്നു തുടങ്ങുമെന്നു ബന്ധിതമായി പറയാമോ?

MR. K. GEORGE (*Chief Secretary to Government*): കമ്മിറ്റിയുടെ പ്രസിഡൻറ് വന്നിട്ടുണ്ട്. ഉടനെതന്നെ ജോലിതുടങ്ങും.

THE CHITTIES REGULATION AMENDMENT BILL. SECOND READING OF—(*contd.*)

DEPUTY PRESIDENT: Does anybody second Mr. S. Krishna Pillai's amendment?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): There is a compromise amendment which has been arrived at after an informal discussion. I want to know whether that would be acceptable to the Law Member. Otherwise, I want to second Mr. S. Krishna Pillai's amendment.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. S. Krishna Pillai's amendment has to be disposed of before the other is placed before the House.

DEPUTY PRESIDENT: Mr. Kunjukrishna Pillai, it is better that you formally second Mr. Krishna Pillai's amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I second the amendment moved by Mr. Krishna Pillai.

I have only one main point to be brought to the notice of this House. This House has accepted the provision that kuri-chitties shall not be conducted hereafter. My submission is that people who have already collected moneys must be given an opportunity to disburse the amounts as per the original contract. Facilities should be given to them to do that, because nobody is going to gain anything by putting a restriction on past transactions. Money has already been collected. Future collections may be penalised. I have absolutely no objection with regard to that. I accept that point of view. But collections already made must, in fairness, be allowed to be disbursed according to the terms of the original contract.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): But the provision in the Bill penalises the future *conducting* of such chitties. How can prizes be distributed unless lots are drawn? That would mean that chitties are *conducted*.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I have nothing more to add.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment moved yesterday. As the amendment stands, it permits the conducting of all transactions already started. It would be open to the foremen of such transactions to invite and collect subscriptions for any length of time. I am very much against that. Past transactions may be excused provided they do not involve future collection of subscriptions; the collections must stop from this day. The foremen have no doubt already collected huge amounts. It is argued that it would be immoral to allow the foremen to appropriate all these collections and that therefore they must be allowed to distribute the amounts as per the terms of the original contract. After all each subscriber would have paid only, say, 4 as. or 8 as. and nobody may care to claim it back; and even if the foremen want to pay the collection back it would not be easy for him to find out all the subscribers and repay the subscriptions. I have no objection to accept an amendment to the effect that all future collections alone would be punishable. But I am against the amendment now before the House.

DEPUTY PRESIDENT: The mover of the amendment is not present today; and I suppose Mr. Kunjukrishna Pillai does not press it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do press it, Sir.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I beg to move that in Section 23, the following be added as an Exception:

> "*Exception.* In the case of any such transaction started before the seventh day of Dhanu 1108, the conduct and the responsibility for the conduct of it shall not be punishable wherever such conduct does not involve the collection or receipt of any subscription or contribution from and after the said date."

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is another amendment which also may be moved along with this amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): And, after Section 53, add the following Sections:

"54. Notwithstanding anything in Section 4, the contract in any such transaction as the conduct of which falls within the exception to Section 53, may be enforced without, or and if it cannot be enforcedlexcept on the basis of the collection or receipt of subscriptions or contributions from and after the 7th day of Dhanu 1108, the parties to the contract may make or claim any equitable adjustment not involving such collection or receipt."

"55. No prosecution for an offence under Section 53 shall be started without the sanction of Our Government or of such Officer as may be appointed by Our Government in that behalf."

The Section we find in the Bill penalises all transactions declared to be void under Section 4. The result of that will be that the foremen will be in a position of undue advantage; as against the subscribers; because they are not in law bound to pay back amounts already collected from the latter. The provision also makes the repayment of the amounts punishable. Such a state of affairs is not just and fair, because it benefits only the foremen.

According to my present amendment, the subscribers are given a chance to get back their payments. Sir, there are two kinds of kuri-chitties, mainly. In some, the subscribers pay only once at the outset; in others, they subscribe only until they become prized. There is no further payment and the subscribers have only to take the prizes due to them. My amendment, provides that the foremen are allowed to continue to conduct these kurichitties whenever no further *collection* is involved.

DEPUTY PRESIDENT: Do such transactions come within the definition of chitties in the Regulation?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): They do not; they come within the definition of transactions declared void under Section 4 of the Chitties Regulation, as they partake of the nature of chitties but at the same time do not come within the strict definition of chitties. They are more or less allied to lotteries. The subscribers, once they make a payment have not got to make any further payment under certain kuri-chitties. Their liability ceased with their first payment. Therefore, these transactions are like lotteries. In the case of these transactions it is only fair that we make a provision enabling the foremen to fulfil their obligations under the terms of the original contract. And, the last date for the admission to such contracts has been fixed as 7th Dhanu 1108, by this amendment because it is the date on which we are having the second reading of the Bill this day.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kannattur*): Does not the member think that it would be fairer still to fix the date on which this Bill becomes law?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*): No, because sufficient publicity has already been given, and we want to put an end to these transactions as early as possible.

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it not universally provided that all the provisions of an enactment should take effect from the date on which it becomes law?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I have only to state, in answer to that question that these transactions had been declared void long long ago under the Chitties Regulation now in force. There is no justification for further prolonging the period.

Under Section 54, proposed by me provision is made for legalising contracts already entered into. Although, under Section 4, such transactions are void, in view of the fact that these transactions are now sought also to be *penalised*, it is considered desirable to legalise transactions which have already come into existence some how or other. Parties who have entered into such contracts are given the option to enforce the contracts.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But the amendment seems to say that the foremen are allowed to fulfil their undertakings to the full extent.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Suppose a foreman advertises a first prize of Rs. 50,000, but is not able to get the required number of subscribers. What would be his position under the amendment?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*): The latter part of Section 54 provides for that. The parties are given the right to make an enquitable adjustment among themselves. The subscribers may agree to forego a portion of their claim.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): My doubt has still not been cleared, Sir. The last date fixed by the amendment for the provision coming into force, is 7th Dhanu 1108, and till the evening of the 6th Dhanu 1108 the foreman, who but for such time-limit would have easily secured the required number of subscribers, is not able to get the necessary amount as subscriptions in spite of his strenuous efforts. In such a case is it not hard that the foreman should be disabled *by the legislature*, from keeping his promise, or that the subscribers should be disappointed in their expectations?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*): Ordinarily, in these transactions, very fabulous amounts are advertised and only smaller amounts in proportion to the actual collections, are actually given away as prizes. And there will be provisions also to that effect in such advertisements.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Exactly that is because, since (as the law stands at present) the transactions are void, nobody can go to a court of law to enforce the full payment of the advertised prize, to pin the foreman to his original promise. But now the subscribers are sought to be given permission to pin the foremen to their original promise irrespective of the actual collections.

MR. M. GOVINDAN (*Nominated*): Is that a question, Sir?

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Yes, Sir.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : In such a case the latter part of the proposed Section 54 will apply. That is my view. There the parties are given the option to make an equitable adjustment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Does not Mr. E. V. Krishna Pillai's question mean that the contract should be enforced as originally settled by permiting future collections also ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I explain, Sir.

DEPUTY PRESIDENT : You will get your turn to speak ; but you may put questions if you like.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) ; How will the amendment, now proposed by my friend, affect the case of a foreman whose declared date of final collection is already over but who has not till now been able to collect the necessary amount and who, therefore, is not able to pay the full prize advertised ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*) : That would depend upon the terms of individual contracts. These new provisions, contained in the amendment, only legalise contracts already entered into. Section 55 provides only for a safeguard against people rushing all at once to Court. The provision says :

> "No prosecution for an offence under this Section shall be started without the sanction of Our Government or of such officer as may be appointed by Our Government.....

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I think it would be better if we consider the different clauses in the amendment one after another.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Government will accept any of these provisions only if the other provisions are also accepted by the other side.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : My difficulty is with regard to the voting.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The House must vote upon all of them together.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I submit that we must be permitted to vote separately.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In that case, Government will vote *against* everyone of them.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഇതുവരെ നടത്തീട്ടുള്ള ചിട്ടികളിൽ ചേർന്നിട്ടുള്ള ചിറാളന്മാർക്കു പണം തിരിച്ചു കിട്ടണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണോ ഈ അമൻഡുമെൻറ് ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു് ?

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MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതേ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അതിനു മി: കുഞ്ഞുപിള്ളയുടെ അമൻറുമെൻറിനു വേണ്ട സൗകര്യങ്ങളെല്ലാമുണ്ടല്ലോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): മി. കുഞ്ഞുപിള്ളയുടെ ഭേദഗതിയിലും അതിനുള്ള ചില സൗകര്യങ്ങളെല്ലാമുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): പിന്നെ പ്രത്യേകം ഇങ്ങനെ ഒരു ഭേദഗതി കൊണ്ടുവരുന്നതിനു മെമ്പറിനെ പ്രേരിപ്പിച്ചതെന്താണെന്നു പറയുമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): മി. കുഞ്ഞുപിള്ളയുടെ ഭേദഗതിയിൽ ഞാൻ വിചാരിക്കുന്ന പൂർണ്ണ സൗകര്യങ്ങളും ഉണ്ടെന്നു തോന്നുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does not Mr. Krishna Pillai's amendment allow the collection of future *subcriptions*?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മി. കുഞ്ഞുപിള്ളയുടെ ഭേദഗതിയിൽ പണം ഇനി ആവശ്യപ്പെടാൻ പാടില്ല എന്നു വിശദമായിട്ടു പറഞ്ഞിട്ടുണ്ട്.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): But it does not legalise transactions already declared void. രണ്ടാമത്തെ സെക്ഷൻറെ തത്വപ്രകാരം ആദ്യമുണ്ടായ കറിച്ചിട്ടികാര്യം കുറെ കാലം നിയമപ്രകാരം ഉറപ്പിക്കപ്പെടുന്നുവെന്നു കൂടി ഈ ഭേദഗതിയിലുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ൻ ർ-ലെ മൂന്നാം റൂളേഷൻപ്രകാരം ഇതു് അസാധുവാണെന്നു വരുകയില്ലയോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ഉണ്ടു്. എന്നാൽ ആ സെക്ഷനിൽ എന്തുതന്നെ പറഞ്ഞിരുന്നാലും' എന്നാണു ഭേദഗതി. "Notwithstanding anything in section 4... .....

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): നിയമത്താൽ അസാധുവാണെന്നു പ്രത്യക്ഷമായി പറഞ്ഞിരിക്കുന്നതിനു് ഇപ്പോൾ നിയമസാധുതാ ഉണ്ടെന്നു പറയുന്നതു ശരിയാണോ എന്നാണെന്റെ ചോദ്യം

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MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതും ക്രടി വരുത്തേണ്ടതാണെന്ന വിചാരിച്ചാണ് ഞാനിതവതരിപ്പിച്ചത്. നാലാം വകുപ്പനുസരിച്ച് ഈ ചിട്ടികളെല്ലാം അസാധുവാണെന്ന പറഞ്ഞിട്ടുണ്ടെങ്കിൽ തന്നെയും ഇപ്പോൾ ഉണ്ടായിരിക്കുന്ന ചിട്ടികളിൽ ഉൾപ്പെട്ടിരിക്കുന്ന അനവധി ആളുകളുടെ ഗുണത്തെപ്പറ്റി ചിന്തിക്കണമെന്ന വിചാരിച്ചാണ് ഞാൻ ഈ ഭേദഗതി അവതരിപ്പിച്ചത്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): നിയമത്താൽ അസാധുവായ സ്ഥാപനങ്ങളിൽ നിയമത്തിന വിപരീതമായി വർത്തിക്കുന്നആളുകളെപ്പറ്റി ഇപ്പോൾ പറയേണ്ടതില്ലല്ലോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അങ്ങനെയുള്ള ആ വകുപ്പ് ഒന്നെടുത്തുകളഞ്ഞാൽക്രടി കുറെ ആളുകൾക്കു വളരെ സഹായമായിരിക്കും. അതു ചെയ്താൽ ഒരുപക്ഷേ അവർ കോടതിയിലപേക്ഷിച്ചെങ്കിലും പണം മേടിച്ചുകൊള്ളും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇപ്പോഴിരിക്കുന്ന സ്ഥിതിക്കു തലയാളന്മാരെ വിശ്വസിച്ച മാത്രം ചിറ്റാളന്മാർ പണം കൊടുത്തിരിക്കുന്നുവെന്നല്ലാതെ കോടതികളിൽപോയി അതു മേടിച്ചു കൊള്ളുമെന്ന വിശ്വസിച്ചാണോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): സാധാരണ വിശ്വാസം മാത്രം കൊണ്ടാണു പണം കൊടുത്തതെന്ന ഞാൻ വിചാരിക്കുന്നില്ല. ഇവർ കോടതികളിൽ പോയാൽ പണം തീരെ കിട്ടുവാൻ നിവൃത്തിയില്ല എന്ന വിധിച്ചതായി അറിവില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) നിയമദൃഷ്ട്യാ അസാധുവാണീക്കുറിച്ചിട്ടികൾ എന്ന വിധിച്ചതായി മെമ്പറിനറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): മെമ്പർ വിചാരിച്ച തരത്തിൽ ഒരു വിധിയുണ്ടെന്ന് എനിക്കു തോന്നുന്നില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഉണ്ടെന്നു ഞാൻ പറയുന്നു.

MR. K. P ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതു കാണിച്ചു തന്നാൽ വിശ്വസിക്കാം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): 18 T. L. R. ൽ ഉണ്ട്.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): T. L. J. യാണ് കാണേണ്ടത് അല്ലാതെ T L. R. അല്ല.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to section 55, may I know from the member whether it will apply to transactions which will come into existence hereafter?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): It will not. Section 55 must be read along with the explanation to section 53. When we refer to a section we mean the whole section, with all its provisions, exceptions and explanations.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is the amendment of Mr. Krishna Pillai before the member?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Does that amendment penalise the conducting of kurichitties hereafter?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No, it does not.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Mr. Krishna Pillai's amendment states "any person who *starts and conducts* hereafter". Now does the member's amendment, penalise the conducting of chitties hereafter, provided the collections have all been made in the past?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Then, what is the meaning of this amendment?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Which amendment does the member refer to?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): The amendment that is now moved by the member himself.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): The future conduct of the chitty, if it does not involve actual collections from the subscribers, is not penalised under my amendment.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Why is it not open to the member to support the amendment of Mr. Krishna Pillai?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Because it does not also provide for legalising the contracts in favour of the subscribers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does not Mr. Krishna Pillai's amendment permit future collections in respect of transactions already started?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does Mr. Krishna Pillai's amendment specifically prohibit it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Krishna Pillai does not say "who hereafter starts *or* conducts". Is that the same thing as "who hereafter starts *and* conducts".

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Does the member's amendment prohibit future collections?

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MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes. My objection to Mr. Krishna Pillai's amendment is that it does not benefit the subscribers who want to get back as of right the money which they have already subscribed.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): There was an amendment of the Law Member yesterday in regard to that.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): എന്റെ ചോദ്യത്തിനു ശരിയായമറുപടി പറയാതെയാണ് ഇതെല്ലാംമെമ്പർ പറയുന്നത്. നിയമപ്രകാരം അസാധുവായ ഒരു കാര്യത്തെപ്പറ്റി അമെൻറുമെൻറിൽ പറയേണ്ട ആവശ്യമെന്താണ്?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അസാധുവാണെന്നുള്ള വിവരം അറിയാതെ ആളുകളോടു പണം വാങ്ങിച്ചിട്ടുള്ള മുന്നാളുകൾക്കു കൂടുതൽ രക്ഷയുണ്ടാകാതിരിക്കാൻ വേണ്ടി മാത്രമാണ്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മുന്നാളെ രക്ഷിക്കണമെന്നു മാത്രമേ ഉദ്ദേശമുള്ളോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അസാധുവാണോ ആണെങ്കിൽ ആക്ക് ഏതുനിലയിൽ അസാധുവാണ്, എന്നുള്ള നില മനസിലാക്കാതെ പണം കൊടുക്കയും വാങ്ങിക്കയും ചെയ്തിട്ടുള്ള ആളുകളുടെ രക്ഷക്കുവേണ്ടി.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അസാധുവാണെന്നുള്ള കാര്യം ആളുകൾക്കു മനസിലായിട്ടില്ലെന്നു മെമ്പർക്കെങ്ങനെ അറിയാം?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): എന്റെ വിശ്വാസം അങ്ങനെയാണ്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇപ്രകാരമുള്ള കുറിച്ചിട്ടികൾ മേലാൽ നടത്താൻ പാടില്ല എന്നുള്ളതാണ് ഈ സഭ അംഗീകരിച്ച ഈ ബില്ലിന്റെ പ്രിൻസിപ്പിൾ എന്നു മെമ്പറിനറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അറിയാം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ആ പ്രിൻസിപ്പിളിനെ സാരമായി ബാധിക്കത്തക്കതാണു മെമ്പർ കൊണ്ടുവന്ന ഭേദഗതി എന്നു മെമ്പറിനറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അറിയാം.

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MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഇതിന്റെ പ്രിൻസിപ്പിൾ സഭ അംഗീകരിച്ചതിനു ശേഷം ഇപ്രകാരമൊരുഭേദഗതി കൊണ്ടുവരുന്നതു് ആ പ്രിൻസിപ്പിളിനെ ഹനിക്കുന്നതാകുവിധത്തിലാണെന്നു മെമ്പറിനറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : ഇവയെ തീരെ ഹനിക്കുന്നതാകുവിധത്തിലല്ല ഈ പ്രിൻസിപ്പിൾ സഭ അംഗീകരിച്ചിട്ടുള്ളതെന്നു് ഇതിന്റെ പ്രിൻസിപ്പിളിനെപ്പറ്റി വാദപ്രതിവാദം നടന്ന അവസരത്തിൽ മിക്കവാറും പ്രത്യക്ഷപ്പെട്ടിട്ടുള്ളതാണു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): According to the amendment to section 55 proposed by the member, may I know whether anybody who starts a kurichitty hereafter could be prosecuted without the sanction of Government?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know whether the whole object is now not rendered a nullity by the section?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): We trust the Government.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether it is right to take the point of view that anybody may be prosecuted, for purchasing a ticket or for being responsible in any way in the conduct of a chitty, by any irresponsible officer or whether it will not be better to entrust the whole matter to Government or to a responsible officer appointed by Government to prosecute anybody who takes part in the chitty?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): By this amendment we are giving the discretion to the Government.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഫാൻഷർലെ നാം റഫറൻസിൽ ഇതിനു നിയമസാധുതയില്ലെന്നും കുറിച്ചിട്ടികളം നടത്തുന്നതു ശിക്ഷാർഹമാണെന്നും പറഞ്ഞിട്ടുണ്ടു്. അങ്ങനെ ഇരിക്കെ, അതിനെ വിശദീകരിച്ചു ചിലർ കുറിച്ചിട്ടികളം നടത്തിയിട്ടുള്ളതു ശരിയാണോ എന്നാണെന്റെ ചോദ്യം. അതിനു ന്യായമായ ഒരുത്തരം പറയണം.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതിനാണു ഞാൻ മുമ്പു പറഞ്ഞ ഉത്തരങ്ങളെല്ലാം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഇതുവരെയുള്ളതൊന്നും സമാധാനവും പറഞ്ഞിട്ടില്ല.

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MR. K. P. ABRAHAM (*Muvattupzha* cum *Todupuzha*): തലയാളന്മാരും ചിറാളന്മാരുമുള്ളതിൽ ഒരുവശത്തേക്കു മാത്രം ആദായം വരുത്താതെയിരിക്കാനും മറുവശത്തേക്കു വേണ്ട സൌകര്യങ്ങൾ കിട്ടുന്നതിനും വേണ്ടിയാണ് ഈ ഭേദഗതി കൊണ്ടുവരുന്നതു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): നിയമംമൂലം സാധാരണ ആളുകളെ മനസ്സിലാക്കാൻ വേണ്ടിയാണോ ഇങ്ങനെ ഒരു ഭേദഗതി കൊണ്ടുവന്നതു്?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): സാധരണ ആളുകൾക്കു മനസ്സിലാകുമെന്നു കരുതി മാത്രമാണു ഞാനിങ്ങനെ കൊണ്ടുവന്നതു്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Of course, the whole House understood that the Law Member was responsible for the drafting of this amendment and so this House is waiting to hear him in explanation of this provision.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If any member would second the amendment I am prepared to speak on this amendment.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is the legislature competent to give validity to a transaction already declared void by the general law of the land?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Of course, the legislature can amend its own laws.

The amendment fell through for want of a seconder.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): We would like to hear the Law Member on the amendment of Mr. K. P. Abraham.

DEPUTY PRESIDENT: The Law Member does not second it and no other member has come forward to second it. On that ground the amendment has been lost.

Anybody desiring to speak upon Mr. Krishna Pillai's amendment?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*): Sir, I rise to support Mr. Krishna Pillai's amendment. Mr. Krishna Pillai's amendment reads thus. "Any person who hereafter starts and conducts any transaction of the nature of those declared void by section 4 and any person who collects or solicits any money for any such transactions shall be punishable with imprisonment of either description" etc. All that Mr. Krishna Pillai's amendment wants to see is that with regard to transactions of the nature of kurichitties that have already been started the persons who have started them may be allowed to conduct them, and, as I understand the amendment, I think that they are disentitled even to collect money in future. If that be so, I think all the mischief that is now sought to be avoided could be avoided and further mischief that is intended to be introduced by Mr. Abraham's amendment could be prevented. Some doubt seems to have been

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[Mr. A. S. Damodaran Asan]

expressed by some of my friends that Mr. Krishna Pillai's amendment may permit the collection of money by persons who have already started chitties even after this comes into force. What the amendment says is that any person who *hereafter starts and conducts* any transaction of the nature of those declared void by section 4 shall be punished. And then it says "any person who collects or solicits any money for any such transaction." By "any such transaction" I think, is meant a transaction that is declared void by section 4. If my interpretation could be accepted as correct, I do not think there will be any difficulty in accepting Mr. Krishna Pillai's amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will the member explain that? I believe the Law Member's doubt is.....

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it the member's doubt or the Law Member's doubt?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I also do feel some difficulty over the matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If it is mainly the Law Member's doubt let the Law Member speak.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I also feel some difficulty over the matter, in respect of the words "any such transaction". Will it not exclude those that are started before the passing of this Regulation? Because any person who hereafter starts and conducts any transaction and any person who collects money towards such transaction is mentioned in the amendment, will it not enable people to collect money for transactions started before the passing of this Regulation? Just to clear that will the member be agreeable to add the words "started before or after the passing of this Regulation"?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have absolutely no objection to add that. That is what I was going to suggest. My own view is that it would refer even to chitties that have already been started.

DEPUTY PRESIDENT: Could not the expression "such transactions' mean transactions so started and conducted. Such would have reference to something that is found before. Here reference is made to a transaction being started and conducted. Will it not mean transactions so started and conducted, in which case Mr. Krishna Pillai's amendment will be well-founded?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The amendment first refers to the persons who start and conduct and later it says from persons who conduct any transaction of the nature of those declared void and I think that "such" applies to the transactions of the nature of those declared void by section 4.

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Anyhow, since there is so much difference of opinion with regard to the interpretation of that, I am quite prepared to suggest this to Mr. Krishna Pillai's amendment. In case the Chair allows me, I will move my amendment to Mr. Krishna Pillai's amendment. It is only an amendment to an amendment. At this stage, I am entitled to move it.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അതിനു മി. കൃഷ്ണപിള്ളക്കു സമ്മതമുണ്ടോ എന്നറിയണ്ടേ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In the absence of Mr. Krishna Pillai, his seconder or other members could accept it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): How could the seconder take the place of the mover?

DEPUTY PRESIDENT; I think that difficulty can be solved by treating this as an amendment and allowing votes to be taken upon the two separately.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the amendment? We have not got that amendment before us. We never felt when we came here that such complications would arise.

DUPUTY PRESIDENT: Let us hear what it is.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): We have not got the amendment yet. Permission should not be given for moving it.

DUPUTY PRESIDENT: Permission would depend upon the nature of the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): This is the amendment.

In the place of the words "any such transaction" occurring in lines 3 and 4 of Mr. S. Krishna Pillai's amendment, substitute "transactions declared void by Section 4".

My object is only this. All those persons who have started chitties and who have collected monies will be enabled to conduct those chitties without making any further collections. Further collections are made punishable by my amendment also. So, a foreman who has started a chitty could not plead that he is unable to conduct because a legislation has intervened. With that object, I move this amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I support Mr. Damodaran Asan's amendment.

DEPUTY PRESIDENT: The fact that there is no objection to the motion will indicate that permission may be granted to move this amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The original amendment to which Mr. Damodaran Asan has proposed an amendment reads thus:

> "Any person who hereafter starts and conducts any transaction of the nature of those declared void by Section 4 and any person who collects or solicits any money for any such transaction shall be punishable with imprisonment of either description..... or in both".

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[Mr. E. V. Krishna Pillai.]

Here, even according to the original amendment there are two sets of people who are made liable to punishment. The first set comprises those who start such transactions hereafter and conduct them. The second set consists of those who collect or solicit money for such transactions. The mover of this amendment has met the objections raised by the framer of the amending Bill to a great extent. If at all there is any scope for any objection being raised about this amendment, it consists of one interpretation and one interpretation only. That is, whether Mr. Krishna Pillai has sought to penalise the conduct of those who solicit money or collect money towards a transaction declared void under Section 4, a transaction that was started before the passing of this bill into law. There is absolutely no such interpretation possible; but any way Mr. Asan's amendment sets at rest all those doubts. I do not see any ground why such an amendment made clear by Mr. Asan's amendment cannot be accepted by the framer of the bill.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does this amendment enable the subscribers to a transaction already existing, to recover money already paid?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It does not enable.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): On the other hand, is it not a safeguard for the foreman not to pay the amount already collected?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Any provision enabling the subscribers to come to any equitable arrangement with the foreman will be welcome to Mr. Asan.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): But that is not in the present amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): No, that is not in the present amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): What is the objection in regard to that?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I have absolutely no objection for such a provision being made.

DEPUTY PRESIDENT: But that amendment has been lost. You cannot speak about that.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I will not speak about that. Mr. Krishna Pillai has made the point so clear. He has stated how this provision, as it stood originally if it would become law, will affect a good deal and will also contravene certain elementary principles of legislation. If we are going to pass into law the provision as it originally stood, it would mean that we are helping those who have, on the strength of the allowance made by the existing law, collected huge sums of money from a good section of the people here and elsewhere, to appropriate the whole amount to themselves.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What prevents them from appropriating that now under the existing law?

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : They cannot do so without injury to their prestige and reputation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : By enacting now that those who have started and collected money must be given an opportunity to repay the amount, are we not attempting to legalise a transaction which to-day is illegal ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I have absolutely no objection to ask those people to repay the amounts. It would seem that as the amending bill stands, even that is punished.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Are we not recognising an illegal transaction by asking the foreman to pay back the money ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) ; I do not know how my friend interprets it. I do not know whether he thinks that the difficulties can be got over by the amendment of the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What is the guarantee that the subscribers will get their money if this amendment is passed ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : That is why I said that I am agreeable to Mr. Abraham's amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : But that is not now before the House.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : The Law Member's provision is more drastic inasmuch as it seeks to penalise many other sets of people also who cannot be proceeded against legally.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As the amendment stands, the foremen who have collected money will be exempt from punishment. If they choose to conduct the transactions they can conduct them and if not they will not be penalised. That is the effect of the amendment as it stands.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : That is the existing law and that is the provision as proposed by the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I wish to know what is the effect of the amendment now moved? If the member wishes to answer me, he may answer.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I will answer the Law Member. It may be a fact that the existing amendment does not provide for such cases as are contemplated by the Law Member and Mr. Neelakanta Pillai. But, it is a definite improvement upon the original.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Law Member at least prohibits the *future* conduct. This amendment does not prohibit the future conduct, but, at the same time, prohibits the subscribers from claiming.

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law Member does not only penalise future conduct but he penalises many other persons. If the Law Member objects only to the persons who have collected large amounts conducting the transactions as originally undertaken by them on an equitable basis, I have absolutely no objection. My point is only to see that all these persons are not proceeded against.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does not the member see that this amendment is clearly one-sided?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It is as much one-sided as the Law Member's original provision.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does not the member think that the amendment which I moved is both sided?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I am not allowed to speak about that amendment which was defeated without even a seconder. Mr. Krishna Pillai has spoken at length about the evils that would accrue from adopting the Law Member's provision.

MR. P. S. MAHOMED (*Nominated*): പണം പിരിച്ചു കൊവശം വച്ചിരിക്കുന്നതായ ഫോർമാൻ മേലാൽ ചിട്ടിനടത്തേണ്ട എന്നു വിചാരിക്കുന്നതുകൊണ്ടു സബ്സ്ക്രൈബേഴ്സിനു വല്ല ഗുണവും കിട്ടുന്നുണ്ടോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): യാതൊരുഗുണവും കിട്ടുകയില്ല.

MR. P. S. MAHOMED (*Nominated*): അങ്ങനെ ചിട്ടി നിർത്തുകയാണെങ്കിൽ തലയാളന്മാർക്കു ഗുണമുണ്ടാകുന്നതല്ലേ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഉണ്ടാകും.

That is the point which is beautifully suggested by Mr. Mahomed. Here, as I said, where is the guarantee even before such a provision is thought of that the foreman would fulfil his agreement? I was going to reply to him that the guarantee was seen in his personal prestige and business reputation. If any body is advertising that he is a man of no character no body will purchase tickets from him.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to a chitty already started what is exactly the nature of the claim that a subscriber can have upon the foreman?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): On the personal credit that a foreman was able to create among the people he was able to collect so much. We could very well believe that these people who care so much for personal credit and who on account of their personal credit were able to collect so much would continue in that strain the responsibility involved when they undertook collection.

It was asked by Mr. K. P. Nilakanta Pillai where was the legal

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obligation that devolved on those foremen that they would fulfil the responsibility which they undertook. My answer, as suggested by Mr. P. S. Mahomed, is that they clearly undertook a moral responsibility on the strength of the personal credit that they obtained in the market for the disbursement of the amount. It is on the strength of that they got subscribers. They have subscribed large amounts. We have trusted them to fulfil the obligations vested upon themselves to the common success of the people. They would now go against their personal reputation. By this provision the law intervenes with the people who were able to collect so much money by the reputation of their personal character and says that they need not legally be obliged to fulfil these transactions.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether by allowing the subsisting transactions to be fulfilled by the conducting of the chitty any further liability is imposed on the subscribers of a kurichitty who have already subscribed.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): No.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether by the amendment as proposed by the Law member that provision makes it impossible for any foreman to give back even in case he is willing to pay the amount to a subscriber?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): This is exactly my difficulty. I do not think so much thought has been bestowed upon it by the Law Member.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether these men who have started these chitties are in possession of all the funds collected?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I am not an accountant or an auditor going about auditing their books.

MR. K P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the member had anything to do with these companies?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): That is the pity of it. Absolutely nothing.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether there are kurichitties subscriptions of which are collected even after the first drawing?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): There may be. Such kurichitties should be penalised. I do not want to plead for these people.

MR. P. S. MAHOMED (*Nominated*): കുറിച്ചിട്ടിനടത്തി നിരുത്തിയ ആളുകളെയും മേലാൽ ശിക്ഷിക്കേണ്ടതല്ലേ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ശിക്ഷിക്കണം.

My point is, we will be doing injustice not only to those unfortunate people who were unable to ask for the return of the amounts on

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[Mr. E. V. Krishna Pillai.]

equitable proportion but also nipping them in the bud. There is absolutely no legal obligation if people care to legal obligations for registry of documents and for the validity of contracts specified by law. There is no cause which enables such people to push through such transactions. Now the Law Member asks these people to get away sacrifising everything they have got by way of personal credit and reputation. Where is the urgent necessity for that, I ask.

MR. A. THANU PILLAI (*Trivandrum*): Does not the member think that the foremen will not lose their reputation if they are not able to pay back the subscriptions hereafter because it is the law that prevents them from doing that? How is their honour and character impaired? They have got themselves entrenched behind law.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Certainly the reverse side of it. Where is the guarantee that people would not say that the framer of the law wanted to safeguard these capitalists, to see that they are legally prevented from paying these people whom they had promised to pay? Is it not a very unjust measure? I do not say that all these foremen are honourable, or that all of them were actuated by the best of motives. There may be some who take narrow views in this. There are others who view the whole thing with very great concern and who want to see that an unjust piece of legislation brought by the Law Member is not passed into law. Now they come forward and say we are now in possession of forty to fifty thousand rupees. Now the Legislative Council is intervening and incapacitating us from discharging our obligations. I want to say that we are not giving them an opportunity.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is the member agreeable to a provision that the amounts with the foremen shall be paid to Government?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It may give rise to many other objections. The existing provision is as absurd as the one declared by the Law Member.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Is the return of the money to the subscribers made penal in the original clause?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Asan's amendment removes all the difficulties with reference to the provision proposed by the Law Member with reference to future contracts also. What I want to see is that those undertakings by the foremen are given effect to and also those expectations entertained by the subscribers are not allowed to be prevented by such a hard piece of legislation. As I said, Mr. S. Krishna Pillai has made a definite improvement upon the original provision, because here it was clearly explained by him yesterday why the law is made so comprehensive as to include in its grasp all those people who might be innocent in the

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matter by the retention of the words "any person who is responsible for the conduct of any transaction declared void by Section 4". We will just imagine an instance of such a transaction, details of which and the intricate legal consequence of which are not sought to be fit to be disclosed by those who are responsible for the conduct of such a tranaction started and conducted outside Travancore. Some huge company from the United States may send an advertisement to a public organisation here and it will be cared for much. The poor newspapers in Travancore cannot undertake these advertisements. They have to carry on correspondence with these people. They will write back to us saying that there is a wonderful country with the provision that "whoever responsible for the conduct of a transaction declared void under Section 4 .....". We might be invoking upon ourselves the wrath of law if we care for the publication sent to us. These people will treat the whole thing as innocent and will withdraw from the advertisement. Suppose on the *bona fide* belief that those transactions do not come under such prohibition those papers honestly publish the advertisments.. The next day the Police will be asked to prosecute them and they will be liable for punishment because they are responsible for the conduct of such things. I was suggesting to the Law Member another difficulty also which I do not think can be overcome by anybody who speaks in support of the original provision. Some transactions were started in British India or in the continent of Europe. There I firmly know because I am allowed to be in the know of things of particulars that these were transactions which were void under Section 4. I undertook the contingency of selling the tickets here. The police prosecute me. I go to a Court of Law and the whole burden of prosecution lies upon the Police. I will say that these are transactions which come under Section 4 which declares that certain transactions are void. Where will the prosecution get evidence?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): They can appoint some people in Amsterdam or Europe and conduct enquiry there.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Probably they can do so. Our law of evidence is so weak as to enable such prosecutions to be successfully conducted. They will get scraps of paper which may not contain these things. Then the Police will have to depend upon ordinary witnesses and propably it was with this hope that they framed the case. One witness may say "this agent approached me and asked me to take a ticket in a concern in Amsterdam and he told me that these transactions are declared void under Section 4". Some such things will have to be told by the witnesses for proving the offence that is sought to be proved by the Law Member by this provision and my honest submission is that we are fringing legislation which is unwarrented and which is uncalled for by the circumstances and which makes room for mischief to be done. There may be some charitably disposed man who will contribute to an orphanage. He pays half a rupee or one rupee and the next moment he can be arrested by the Police for the atrocious crime of charity by this Regulation. He

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[Mr. E. V. Krishana Pillai.]

has to stand that prosecution whether successful or not. The Police may give evidence to the effect that he contributed or participated in a transaction which was declared void under Section 4 of the Chitty Regulation. I do not see any reason why the Law Member should rush through this piece of legislation in spite of its inconvenience and harm to us. If it is an urgent piece of legislation which will be useful to the people and to the country in a large measure, then I can realise the Law Member's hastiness in enacting a legislation. In the absence of such an emergency this piece of legislation is sought to be hurried through in the nature of a Congress Ordinance. If there is any doubt whatsoever about the insurance business we could understand the reasonableness of heart burning and complaint by Government. I ask whether when this was first brought, the Go vernment could quote any instance of any representation received from any section of the public saying such a piece of legislation is necessary.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഇൻഷ്വറൻസു കമ്പനികളെപററി വല്ലപരാതികളും ഉണ്ടായിരുന്നുവോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : നമുക്കറിയാവുന്നിടത്തോളം ചില പരാതികളൊക്കെയുണ്ടായിട്ടുണ്ടെന്നു കേട്ടിട്ടുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഗവണ്മെൻറിൻെറ അടുക്കൽ പരാതി വല്ലതും വന്നിട്ടുണ്ടോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഉണ്ടെന്നെനിക്കു തോന്നുന്നില്ല.

It is only after a question agitates throughout the whole country, for a long time and after it has crystalised into some definite shape some sort of relief should be thought of by the Government. In all such cases, there must be a large volume of public opinion for the introduction of a measure of the kind that is now introduced.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I rise to a point of order. Can the member discuss the principle of the bill at this stage?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I was saying that it is only when there is a strong body of public criticism for the necessity of a legislation of the kind that such a measure should be forced by Government. Instead of doing such things, since we are asked to vote, we can only do so according to our desires. Mr. Krishna Pillai's and Mr. Asan's amendments if agreed to meet the Law Member more than half way, even far beyond halfway. They conceded every provision sought for by the Law Member. They only want to see that two sets of people namely the foremen and the subscribers are not prevented from getting on the one hand and from collecting on the other, what they have promised and what the other people expected. If anybody wants to see that the foreman who is in possession of funds is not

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enabled to take shelter under the provisions and is obliged to pay back the money collected by him, certainly a provision to that effect is welcomed. But only see that the whole set of people who have benefited nothing are not made liable in the first place for those who want to give back the money. Those who expected the money by way of realising it are not prevented from their expectations to that extent. With these words I support Mr. Asan's amendment.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): തലയാളന്മാർ പിരിച്ചെടുത്തിട്ടുള്ള സംഖ്യകളിൽ നിന്നും ചെലവുവന്ന തുക കഴിച്ചു ബാക്കിയുള്ള സംഖ്യ ചിറ്റാളന്മാക്ക് കൊടുക്കണമെന്നുള്ള ഒരു ഭേദഗതി കൊണ്ടു മെമ്പർ ഉൾപ്പെടുമോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnathur*): യാതൊരു വിരോധവുമില്ല. എന്നാൽ അതിനു പലരേയും വിശ്വസിക്കേണ്ടി വരും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അവരെ വിശ്വസിക്കുന്നതുകൊണ്ടു വല്ല തരക്കേടുമുണ്ടോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഒരു തരക്കേടുമില്ല.

Nobody should be allowed to start and conduct any transactions after the passing of this amendment Regulation. At the same time nobody should be allowed to collect even a pie for any transaction which was started before the commencement of this Amendment Regulation. I do not see anybody has any objection to expect that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): From the trent of the speech of the members who opposed the amendment of the Law Member and who supported the amendment of Mr. Asan, I find they are labouring under a misconception. If I may be permitted as a special concession I move an amendment to the existing clause by which the whole of the objections raised by them may disappear. The money left with the foreman should be deposited with Government. I have a draft ready. If permission is granted by the Chair I shall move it. The only ground on which the opposition is mooted is that there is a moral responsibility on the part of the foreman and it would be rather awkward on our part to throw the responsible man into an irresponsible situation. My amendment will remove all that misconception.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether the Government are not sufficiently responsible not to go in for this money.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I only seek the permission of the Chair to move my amendment.

DEPUTY PRESIDENT: You may move the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The existing section 53 may be styled 53 (*a*) and my amendment as 53 (*b*).

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[Mr. K. P. Nilakanta Pillai.]

".....The moneys collected by such person in the conduct of such transactions and remaining in their hands after meeting reasonable expenses shall be forfeited to Government".

MR. S. CHATTANATNA KARAYALAR (*Pattanapuram* cum *Sh ncotta*) Probably you suggest this as a consequential amendment.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Why should the money be kept by Government?

MR. E. V. KRIHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Probably the member wants to make Government richer at the expense of the poor subscribers.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Instead of money being in the foreman's hands I think the money be deposited with Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Has the member any objection to utilise that sum for the next election campaign?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not understand the member.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : We must get copies of that amendment, Sir. We have not been able to look through it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Permission has been granted to move the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I move the following amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : To avoid all the difficulties why not the Law Member himself move the amentment Sir? A man who understands the technicalities and who has drafted this amendment may himself move instead of his mouth-piece being allowed to move.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : For the information of the member, I will read my amendment once again.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I would once again request the Law Member who has drafted the amendment to move it, instead of his mouth-piece moving it without understanding the contents of it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not see there is any justification for the Law Member moving the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : The Law Member has been drafting the amendment.

DEPUTY PRESIDENT : Mr. Kunjukrishna Pillai, you are not in order, in referring to a member as the mouth-piece of another member.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) The Law Member himself has created that impression by his conduct.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) The amendment has been drafted by the Law Member and Mr. K. P. Nilakanta Pillai is not even able to read it intelligently.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Order, Order?

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MR. A. THANU PILLAI (*Trivandrum*): Is it a sin for the Law Member to help another member in drafting an amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I move the following as section 53 (*b*):—

"The moneys collected by such persons in the conduct of such transactions and remaining in their hands after meeting reasonable expenses shall be forfeited by Government'."

I do not say that the amendment is perfectly worded. It is open to any member to suggest alterations in the wording.

My object is that the proposed bill is being opposed on the only ground that there is a sort of moral obligation on the part of the man who started an immoral or illegal transaction. Therefore the legislature should do something to help him to get out of such a ridiculous situation.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Will the member please explain how the subscriber is benefited by this amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is why I put a question when Mr. E. V. Krishna Pillai was speaking, what is exactly the nature of the claim which a subscriber can put on the foreman. Nobody can put forward a definite claim on the foreman. When the lotteries take place half a dozen men get prizes and that is the consolation on the part of the foreman to appropriate the rest of it and give an outward impression to the world that he has discharged the moral responsibilities which he took upon himself very well. This amendment if accepted by the House will help the foreman to discharge his responsibility. Hereafter nobody would speak of him as a dishonourable man because he appropriated all the moneys collected from the subscribers.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I believe no dishonourable Government will appropriate that money.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I may justify that. The only grievance on which this amendment is drafted is that large amounts of money have been collected by foremen by deceiving, cheating and misrepresenting all subscribers and making fantastic promises and no return is made to subscribers in such a transaction. Therefore I suggest that all the money remaining with him shall be forfeited to Government. After all an individual subscriber might have paid only a small sum. As a matter of fact if the transaction is allowed to be carried on to the end to complete itself nobody can claim any definite amount. At least half a dozen men may get prizes and the others must be satisfied with what others get. Now by this provision if the remaining money is made over to the Government the honourable subscribers will see that the money is properly spent by Government for the sake of the country and for its general good.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What about the money that comes from outside.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That will also receive the same fate. People at large will be benefited and the country also

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[Mr. K. P. Nilakanta Pillai.]

to some extent will be benefited. I do not see that this is a perfect drafting. But the objection put forward that the foreman will himself utilise the money will certainly disappear if the money is entrusted with Government. It is true the foreman was able to collect so much money on his personal credit and the subscribers trusted him and to that extent they must give him a moral opportunity to discharge his claims. With these words I move the amendment for the acceptance of this House.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Why should Government become richer at the expense of poor subscribers.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : A man may commit theft at the expense of a poor man.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : The thondi articles go to the original owners.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : There are some sections where thondi articles may not exist but nevertheless the offender is fined and the fine goes to the Government Treasury. Why should the money of the poor be taken? I understand that the Government when they take this money are not going to utilise it for their own purpose apart from the interests of the people who have made these subscriptions to the foreman. Sir, nobody felt the payment of 8 as. or 6as. as a heavy burden and it is only a few who are going to be given a paltry sum as prizes and the rest will go to the pocket of the foreman.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Has the member any other suggestion to make for the benefit of the Government to tide over the economic depression?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not say that this is suggested as a means of tiding over the economic depression. As a matter of fact the amount which may go to Government in this way may be very small. That is another reason. As a matter of fact the poor people who paid 8 as. or 6 as. even now have no specific remedy to get back these amounts from the foreman. The transactions are void or illegal and hence they cannot.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Why not the Government allow the kurichitties to be conducted in the future also?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That is what the members want. It is only to achieve that I thought an amendment was moved by Mr. Abraham to say that kurichitties should be allowed to be conducted whether they are valid or invalid, legal or illegal.

DEPUTY PRESIDENT : Are you not going beside the point, Mr. Nilakanta Pillai?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : The purport of the amendment is clear. What is intended is to serve the oppositionists.

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MR. A. THANU PILLAI (*Trivandrum*) : May I know whether if those people who are opposed to this part of the Bill would be satisfied in allowing the money to remain in the hands of the foreman? Would Mr. Nilakanta Pillai press this amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Certainly not, because the whole objection seems to be in allowing the money to remain in the hands of the foreman who has a moral responsibility but who is prevented from discharging his responsibility. He should be given an opportunity of discharging that responsibility.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether the member has any objection if the subscriber is given any money?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Certainly not.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : But it comes to that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I am opposed to the whole thing. Nobody has any sort of control over kurichitties. It is not in any way a consolation for the 50,000 people who may have subscribed to it. As Mr. Krishna Pillai said these subscriptions were made partly in the way of innocent enjoyment when nobody expected a return. There should be some legislation that these amounts should be taken by Government and utilised for deserving purpose. That will be consoling to the individual subscriber than the amount going to the foreman who conducts a lottery and takes a lion's share of it after having given half a dozen useless prizes to half a dozen subscribers.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): സർ, ഇതി നെപ്പററി പലക്കും അഭിപ്രായവ്യത്യാസങ്ങളുള്ളതുപോലെ കാണുന്നുണ്ട്. അതുകൊണ്ട് ഇക്കാര്യത്തിൽ വേണ്ടവിധം തീരുമാനിക്കുന്നതിനു ജന്മി കുടിയാൻ ബില്ലിനു ചെയ്തതുപോലെ ഒരു മണിക്കൂർ നേരം ഞങ്ങൾക്കു സംസാരിക്കാൻ സൗകര്യം കിട്ടിയാൽ സാധിക്കുമെന്നു തോന്നുന്നുണ്ട്.

DEPUTY PRESIDENT : Is that amendment seconded?

MR. R. S. SUBRAMONIA PILLAI (*Kalkulam* cum *Vilavancod*) : I second it.

DEPUTY PRESIDENT : I think we may now try to get through the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : In what order are we to speak on these amendments?

DEPUTY PRESIDENT : The order will be decided when the time comes for voting. All these amendments are now before the House and they may be debated upon.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir.....

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : On a point of order. Whether the member who has already spoken over the other amendment can speak on this?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I oppose the amendment of Mr. K. P. Nilakanta Pillai seconded by Mr. R. S. Subramonia Pillai and I accept the amendment of Mr. Damodaran Asan to the amendment moved by Mr. Krishna Pillai.

DEPUTY PRESIDENT : The mover is not here and you are virtually the proposer of that amendment. You accept the modification of Mr. Damodaran Asan.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Yes Sir,

DEPUTY PRESIDENT : Have you any observations to make ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : In opposing Mr. Neelakanta Pillai's amendment seconded by Mr. R. S. Subramonia Pillai, I have to make certain observations. I think that the only objection of the mover seems to be that the money in however small a measure it might be should not be got either by any one of the subscribers or by all the subscribers at any time.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, it is my friend's own interpretation and he may take the responsibility for it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I take the full responsibility for the inference.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I ask my friend to give out his opinion without infringing what my opinions are ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I have to speak on the opinions expressed by the members on the amendments before the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For heaven's sake let not the member misquote me.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I am quoting the member and it is for the House or the President to correct me, if I am misquoting him. I persist in saying, Sir, that the only inference which could be drawn from the speech of the mover of the amendment, namely, Mr. K. P. Nilakanta Pillai's speech, is that he is not averse to Government confiscating the remaining money, that he is not averse to the foreman appropriating the whole amount ; but he is averse to one thing and that is, if the amount is disbursed after drawing lots, or at the end of the transaction if the money is paid with a certain interest he is sorry that a few alone get the prizes but he is not sorry if no one gets prizes. He will be very glad if Government will take away the money. He will also be very glad if the foreman takes the money, but he is sorry if any of the subscribers—poor people—get the prize of Rs. 5,000. He gets jealous. This is a curious mentality, Sir, this mentality of his (Mr. E. V. Krishna Pillai, *hear, hear*). I cannot understand how a representative of the people can take up such an extraordinary position. I do not find anything in support of that point of view. I was thinking how was it possible for a member to present such an extraordinary proposition seriously for the acceptance of this House. I do not want to say anything more with regard to that amendment of Mr. Nilakanta Pillai.

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In supporting Mr. Damodaran Asan's amendment, I say that opportunity for disbursement should be given for people who conduct these transactions if they do not make any further collections. If it is possible to disburse the amount then opportunity should be given. I fail to see, Sir, how the original clause as provided by the Law Member, safeguard the interests of the subscriber any better. Of course we could concede that it is a void transaction. The whole trouble arose and there were few kurichitties before the High Court pronounced judgment that they are not in the nature of lotteries. The High Court is responsible to a considerable degree in bringing into existence many of these kurichitties and after having allowed the people to bring up such kurichitties and allowing them to make all collections, now the law is proposed to be enacted: For the benefit of whom? I fail to see, Sir, to whose benefit this law is. The honest foreman suffers a lot because he will not be able to conduct a chitty. I can understand Government standing against the collection of money for future kurichitties.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member how a person can be said to be honest when he receives money from another under a transaction which the courts will not enforce?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Well, even without the aid of a court those people who have subscribed believe that the foreman will discharge his obligations? There is such a thing.....

MR. A. THANU PILLAI (*Trivandrum*): I wish to know from the member.....

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I have not fully answered one question; before that I am not prepared to listen to another question. Sir, there is such a thing as the fear of law and the sense of law. On account of the sense of law they thought that even without the fear of punishment they were prepared to make disbursements.

MR. A. THANU PILLAI (*Trivandrum*): Then, may I know from the member.....

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I have not fully answered the first question and I am not going to listen to another question before I have answered it. Sir, on account of the sense of law and ont account of their faith in the foreman, from experience, they thought tha money transactions might be conducted as between neighbours and as between people who are wellknown, though it may not be strictly enforceable in a court of law. Because a transaction is not strictly enforceable in a court of law it does not necessarily mean that it is an immoral transaction.

MR. A. THANU PILLAI (*Trivandrum*): Now that the member has answered my question, I would like to ask whether there is any guarantee in the case of these foremen that they will live long enough to see the end of the transaction and if there is any guarantee whether their successors in interest will be equally interested in repaying the money?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon*) They will certainly make arrangements.

MR. A. THANU PILLAI (*Trivandrum*): Even after their death?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): They might have made their own arrangements for payment. What is the safety provided by the new legislation? I fail to see except that it has been made penal. If I make any claim on a kurichitty that has been drawn in my favour I may be clapped in jail. That is all the benefit which a beneficient Government confers upon the subscribers of these chitties.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*). Is it the belief of the subscriber in the foreman on account of their sense of law and not fear of law?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, if he comes to me at my leisure I will explain to him the difference between sense of law and fear of law. I think he has absolutely misunderstood and he has not been able to distinguish between chalk and cheese.

Sir, I very warmly accept the modification of Mr. Damodaran Asan. I do not want to take up more of the time of the Council except to say that we will be very irresponsible in every way if we allow the provision of the Law Member to be passed. Whatever may be the personal prejudice with regard to that amendment, it will be a very serious responsibility that the House will be taking at the fag end if such a serious punitive legislation is carried through and Government will have to thank themselves for the consequences.

MR. KAAYLAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose my friend's amendment. The transactions with which we are concerned are void. At the time the Chitties Regulation was enacted the object was to make these transactions illegal and it was expected that these transactions would not be conducted. Therefore what is proposed by the present clause in the Bill is to make such transactions penal. That is the strict view of the law. Law has declared that these transactions are void and therefore the law cannot any more tolerate them. It therefore follows that people who take part in such transactions shall be made liable to punishment. That is the strict view of the law and the view at any rate according to one opinion.

The amendment that is now moved states that those persons should be allowed to conduct the transactions in future. That is against the law declared by the legislature for the simple reason, that void transactions should not be allowed. Probably a view might be taken that if there is some paramount necessity they may yet be allowed. But I ask what is the paramount necessity? It is not apparently that the subscriber's interest must be protected, or that a large number of people who might have been duped, because they are poor, gullible and greedy and who paid some money, deserve our sympathy. If this amendment had made any provision for safeguarding their interest I would have considered the acceptability of it.

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But this does not block the way?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. As the amendment stands, it merely wants to exculpate the foreman. It allows him to conduct the chitties if he so wants, and if he is not pleased to do so, to permit him not to conduct it. That is what it comes to.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does the original Bill prevent the foreman from appropriating the whole amount he has collected?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It does not.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was it one of the objects of the Law Member in drafting that Bill to prevent the foreman from appropriating it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The object was to clearly declare all void transactions punishable and therefore the strict law was applied that the violation of the law should meet with punishment. That is the only object. There can be no tolerance whatscever towards the conduct of such transactions whether started in the past or in the future. The amendment wants certain transactions to be conducted in the future. I ask why?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): What about the money collected?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is nothing in the amendment about it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does the Law Member recognise that some individuals or others were successful in appropriating large funds from the people?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) At that time was it not the law that such transaction was void?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the explanation of the Law Member for the success of these people?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): These people were greedy perhaps; that was what was stated here and the people who paid were poor people who were gullible and greedy and allowed themselves to be defrauded.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) Cannot the Law Member think that those people who were responsible for collection had also enjoyed some reputation and that was the prime reason.....

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I will not hazard an answer to that question.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I wish to have an explanation from the Law Member for the fact that these people came to be defrauded.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the opinion expressed by the House was that the people who paid were poor and greedy.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it the Law Member's view?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It was stated here.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I want to ask the Law Member whether he has felt the necessity for such a piece of legislation on account of the fact that there were some individuals who were successful in appropriating large sums of money to the detriment of the poor and the greedy who were persuaded to give money.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall not dilate upon the necessity for the law at this stage. The object is to vindicate the majesty of the law. The amendment of Mr. Asan says that an exception should be made. I ask for whose benefit is it sought to be made. I could have understood if the object was to benefit the poor people, the people who were gullible and greedy and were defrauded into parting with their money and then I would have considered the acceptability of the amendment. As it is, no consideration is given to the poor subscribers. On the other hand, he only wants the foreman to be exempt from the penal provision.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I question the Law Member's statement. I fail to understand the logic in what the Law Member says. Of course, the Law Member should not be allowed to say what is ununderstandable.

DEPUTY PRESIDENT: If it is a question that you want to ask, then you may put it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It is only a question that I wish to ask the Law Member. What is the difference between the amendment moved by Mr. Asan and the original provision of the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is prohibited in the Bill is sought to be allowed in the amendment of Mr. Asan, and as such I want to know whom does that benefit. It benefits the foreman no doubt and in view of the fact that future collection is debarred by the amendment of Mr. Asan, the foreman can pocket the whole thing.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I am sorry I did not make my question clear. The Law Member says

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that the original provision proposed by the Law Member makes it penal for the foreman of a chitty if he were to collect even a single pie whereas as proposed by Mr. Asan power is given for the foreman to collect.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. Asan's amendment merely benefits the foreman, for this reason that Mr. Asan's amendment says that the foreman will not be punished if he conducts the chitty. But, at the same time it is not stated that he is not under any obligation to pay back the money or conduct the transaction.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): How does it protect the foreman to a greater extent than the present law does ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : My amendment says that he shall not conduct it and therefore he cannot conduct it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : By conducting the chitty it is only to disburse the amounts.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am simply standing by the law and saying that the law is inexorable.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) That is exactly the answer we wanted to get.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The only question is why should an exemption be made in the case of the man who has already started the chitty. There must be some reason for it. The law even from 1094 has said that these are void, and the object of the legislature then should be to penalise such transactions which exist even after they have been declared void for a long time.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Am I to understand the Law Member to say that his objection to Mr. Asan's amendment is not because it does not detract from the force as is intended by the original provision but because it allows some concession to those who are honest enough and who are not offenders in any way, not that Mr. Asan's amendment does not go to the benefit of the foreman but because it does not go to the benefit of the wide public ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) For the third time I may say that my reason in opposing this amendment is that the law has already declared such transactions to be void and hence such transactions should not be conducted in the future. There is absolutely no reason why transactions which have already been declared illegal should be allowed to be conducted in the future.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know from the Law Member whether he would now rectify the imperfections in the Regulation of 1094 ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall not answer that question. I am concerned with this amendment and in regard to this amendment I am saying that the provision in the Bill says that no person shall conduct the transaction which has been declared illegal in the Regulation of 1094. Mr. Asan's amendment wants to exempt the conduct of chitties started till now. I ask what is the reason for this exemption. No reason was forthcoming.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Mr. Asan gave sufficient reasons.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; the foreman's benefit. That is his point Sir, I consider that no good reason

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Was it not said, that rightly or wrongly some money has been collected from the poor people and that that money must be allowed to be disbursed ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no provision for that. If there had been in this amendment a provision to say that the disbursement shall be made or some such provision, I could have understood the meaning of it. Mr. Asan does not say that though it is true that the law declares such transactions to be void there is a large number of people who are suffering and we should look into their condition and they must be protected, especially the poor and gullible people and it is in their interests that I am moving this amendment to enable them to get back their money." No such thing is sought to be made out from the amendment.

MR. K. KUNJUKRISHN PILLAI (*Quilon*): May I know whether it is not the view of Government that if anybody takes it into his head to pay back the money he should be punished ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The law must be vindicated. The law says that such transactions are void and illegal and I ask the question why should they not be punished for conducting such illegal transactions.

MR. M. GOVINDAN (*Nominated*): May I know if, in case there is a provision for the return of money, the Law Member will have any objection?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection.

MR. GOVINDAN (*Nominated*) If that is so, will he be pleased to suggest an alternative proposition ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it had been agreeable to the House in general I would have considered it. But I know from what took place that it is not agreeable to the House.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether, as the clause stands, there is anything to prevent the return of the money taken from the subscribers ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. Only the *conduct* of the illegal transaction is punishable.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there anything in my amendment which would prevent the return of the money by the foremen ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Can he collect a pie more ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Of course he can collect provided the transaction is conducted in Tangasseri.

MR. A. THANU PILLAI (*Trivandrum*): Cannot the formen return even to the last pie ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, he can.

MR. M. GOVINDAN (*Nominated*) : Then why not he return it in the manner in which he has advertised ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I said that if that was the general view on the other side of the House, Government were prepared to consider it. But, as it stands, Government can only say that the law declares that such transactions are illegal and that therefore they are punishable. That is the view of Government. But, if the non-official members feel that a large number of people deserve consideration, then Government are preared to consider that. But that does not seem to be the case. When Mr. Abraham moved an amendment, it was not even seconded. When that is the sense of the House, I think, the present amendment is objectionable.

DEPUTY PRESIDENT: What do you say about Mr. Nilakanta Pillai's amendment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am in a very peculiarly delicate position in regard to that. He says that the money may go to Government. No doubt, it is one of the principles of law that if any offence has been committed in relation to an object, say, a knife or gun, these things may be forfeited to Government. Here it is money.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is it an offence ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is, under Section 53 (*b*).

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : If money is stolen, is it the view of the Law Member that the money can be appropriated by the Government ?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*) : There is a difference well known to every one. I shall not however take the time of the House to go into all these matters.

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It is a wonderful explanation and a wonderful analogy.

MR. M. GOVINDAN (*Nominated*): What is the principle underlying the provisions for confiscation ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I do not propose to answer that question today. Sir, as the amendment stands, I will only say that Government take a neutral view and Government will not vote upon that amendment.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Sir, I oppose all the amendments that are now before this House. The mover of the first amendment brought forward two reasons to support his amendment, namely, that the kurichitties in the land should not be penalised whilst there are worst practices in the land which are not penalised and secondly that in regard to kurichitties there is no legislation in any other part of the world. My reply to this argument is that it is not a question whether, because there is a similar law in any other part of the country, this legislation must come into effect in this place. The necessity for this legislation is felt because it has been brought to the notice of Government that it is merely the outcome of greed and penury on the part of certain people. There may be exceptional cases. But the Government must have felt the necessity for introducing a legislation on that point. This House, after having accepted the principle of the Bill on its very first introduction cannot now be in a position or should not in any way contravene the provisions of the Bill by introducing certain changes which would affect the very principle of the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know why there should be any second reading for a Bill ?

MR. K. P. MADHVAN PILLAI (*Shertallai*) : Changes can be made, but they should not be in contravention of the very principles of the Bill

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Was it the experience of the member in regard to the Jenmi and Kudiyan Regulation Amendment Bill ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : That is a different sort of Regulation.

My point is that the kurichitties in existence in the land are mostly in the nature of lotteries and it is only by virtue of a High Court decision made recently that these kurichitties have been excluded from the penal provision affecting lotteries in general, and it must be because of that particular reason that this piece of legislation is introduced now. One fact stares us in the face and that is that it is only to avoid the law that certain modifications are idtroduced in the existing kurichitties and not merely, as they say, to help certain charitable institutions. We have already found that not one of these kurichitties started in this country had been able to fulfil the agreement to the very letter. It is always against public policy to support these kurichitties which make one man richer at the expense of the poor public. These chitties are

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deluding the public into the belief that they can get rich without any effort on their part. I have only to deprecate this practice which exists in the land. I give my emphatic support to the bill on this point and this point alone.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I also oppose the amendment of Mr. Damodarnn Asan. It is generally felt that there is very great need for putting an end to these kurichitties. I do not think it necessary to go into the phychology of people who start these chitties. It was urged here that some of these foremen are men of high character and great moral rectitude and that they would be in a difficult position if this provision is to become law. I have not in my mind any individual who has started a chitty concern like this. But I am speaking purely in an impersonal way so far as these foremen are concerned. I should think that a person who enters into a transaction with others, especially with a large number of other people, a transaction which is to be continued for a number of years, knowing fully well that the courts will not enforce that transaction and that a person dealing with him can not get back the money through a court of law, such a person, to say the least of it, is doing something that is quite wrong and opposed to all economic and moral principles. I cannot understand what business an individual has to enter into a transaction with another person who cannot enforce it in the courts of the country. There is no guarantee how long a person is going to live. It was urged here that some of these men are men of high character. Is there any guarantee for their existence for ten years or twenty years or even for ten minnutes? I ask what guarantee is there that such men will all be honest. Is it not making ignorant and greedy and gullible people, as the Law Member would have it, enter into such transactions? Such men are put forward as men of high character. I think character should not be allowed to come in as a consideration while passing a legislation like this. I think it is all rotten. We are not very much concerned with the character of these men at all. That does not come into this legislation. We want to end all these kurichitties. If these chitties are bad for tomorrow, I ask are they not bad for today. Did the law sanction it for a moment? These men started them knowing fully well that the courts would not recognise them. Under these circumstances, I am positive that there is absolutely no justification for a legislature like this countenancing these transactions.

It is asked, after all, what is the harm. Let us analyse that. A subscriber pays 7 chs. or 14 chs. in the expectation of getting five thousand or ten thousand rupees. Should not that be prevented? For the pure purpose of preventing people from speculating in this matter, I must strongly support the Law Member. No man has any right to stand on pure chances, pure gambling, in the hope of making ten thousand rupees. For no services rendered, a man pays seven chackrams and expects to get ten thousand rupees. My friends ask, should not the man be allowed to get back the 7 chs; should the foreman be prevented from paying back seven chackrams. If the formen that my friends have in view are men of high charactor, the law does not prevent them from returning the money.

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MR. M. GOVINDAN (*Nominated*): How can they return the money?

MR. A. THANU PILLAI (*Trivandrum*): The foremen can send it by anchal or by messenger or he may himself take it.

MR. M. GOVINDAN (*Nominated*): We are only providing for that in the law.

MR. A. THANU PILLAI (*Trivandrum*): But the courts never recognise that. It is a void concern. The existing law does not countenance it. The spirit which is actuating these people is not proper.

MR. M. GOVINDAN (*Nominated*): May I know whether he will be agreeable to making all void contracts penal?

MR. A. THANU PILLAI (*Trivandrum*): All void contracts need not be made punishable. This is not an instance like that.

MR. M. GOVINDAN (*Nominated*): Just one question more. Is this a void contract involving any moral turpitude?

MR. A. THANU PILLAI (*Trivandrum*): It does involve moral turpitude. It is not like a minor who has entered into a contract which may be void. Here a man fully knows the circumstances and enters into a transaction and gets money belonging to other people, who, he knows will not be able to get it back through a court of law.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is my friend a director in the Kerala Kalamandalam Kurichitty?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. Personal questions cannot be asked.

MR. A. THANU PILLAI (*Trivandrum*): I have not subscribed to anything immoral.

DEPUTY PRESIDENT: Such questions should not be asked.

MR. A. THANU PILLAI (*Trivandrum*): I have no objection in answering that.

All void transactions may not be punishable. But that is no reason why this should not be made punishable. I explained at length the nature of this transaction. We want to get rid of these kurichitties in our State. We know, as a matter of fact, that things have gone to such an extreme length that the legislature has to intervene and effectively intervene. There are any number of kurichitties and every fellow is building up hopes on the chance of making ten thousand rupees by paying 7 chs. People are getting corrupted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the member will advocate legislation for carrying out all the ten commandments?

MR. A. THANU PILLAI (*Trivandrum*): When a bill is introduced, I shall consider that.

As for the return of the money, I do not at all feel that there is any difficulty for the foremen to return the money. By this legislation only the drawing is not allowed. A man who has paid cannot get ten thousand rupees. But the foreman will be able to return the

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money if he is willing. No court will punish a man who returns money. There is absolutely no difficulty. My friend, Mr. Asan, need not have any difficulty in regard to that.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Can the return be claimed as a matter of right?

MR. A. THANU PILLAI (*Trivandrum*) . He cannot claim it to-day. If he can claim it to-day he can claim it hereafter also. If he cannot claim it to-day he cannot claim it hereafter also.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is hope a burden?

MR. A. THANU PILLAI (*Trivandrum*) : It is certainly a burden. When lots are being drawn you will be hoping that your name will appear and you will become rich. Suppose on the 31st Kumbhom a kurichitty is drawn. You are anxiously waiting for a telegram which never comes to you and then hope becomes a burden. When no telegram comes to you, then you may become hopeless. Probably this was the last chance in life for the man to become rich. And when he does not get the lot, he becomes desperate.

The suggestion of Mr. Neelakanta Pillai is not as chimerical as people would have it. People may not be able to pay back these amounts. If these foremen who have received 7 chs. were to return all these 7 chs., we shall have to open more Anchal Offices. After all, what does this greedy man lose? There is absolutely no harm in allowing the money to remain in the foreman's hands. If the chitty continues he will be making Rs, 20,000. If it is stopped, he will be losing only 7 chs. What harm is there? In the case of good people, let them have enough money in their hands for useful purposes. There is no loss of honour. For instance, if a kurichitty foreman gets a large amount he may utilise it for good purposes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : What guarantee is there that he will use it for good purposes?

MR. A. THANU PILLAI (*Trivandrum*) : His honour is the guarantee. He may send it to the Mahilamandiram or institution for the disabled at Vallakadavu or he may send it to the Friend-in-need Society. There are institutions like that which are in want of funds. If it is not possible to give the money to those institutions, then the State steps in. Whenever a man is in possession of public money, the State will be the custodian. If large amounts remain in the hands of these foremen who want to disburden themselves of these sums, let them pay that to the Treasury. Mr. R. Nilakanta Pillai has given us a safe security. What is the difficulty in that? I am emphatically against this amendment. I am for the clause as it is in the original bill.

MR. P. S. MAHOMED (*Nominated*) : സർ, മി: താണുപിള്ളയുടെ പ്രസംഗത്തിൽ നിന്നും നാലണയോ ഒരു രൂപയോ എന്തെങ്കിലും ഒരു ഉറപ്പു കിട്ടിക്കഴിഞ്ഞാൽ കൊടുത്തിട്ടുണ്ടെന്നുവരികിൽ ഒരു വലിയ സംഖ്യകിട്ടു

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[Mr. P. S. Mahomed.]

മെന്ന ആഗ്രഹം ഉള്ളതുകൊണ്ടു മാത്രം ആ തുക കൊടുക്കുന്നുവെന്നുള്ളതിനാൽ അതൊരിക്കലും അനുവദിക്കുവാൻ പാടില്ലെന്നും അങ്ങനെ കൊടുത്തിട്ടുള്ളവർ ആ തുക സഹിക്കതന്നെ ചെയ്യണമെന്നും മറ്റു യാതൊരു സൗകര്യങ്ങളും ചെയ്തു കൊടുക്കേണ്ട ആവശ്യമില്ലെന്നും എനിക്കു മനസ്സിലാക്കാൻ കഴിഞ്ഞു. എന്നാൽ അതേ സമയം തന്നെ എനിക്കു പറയുവാനുള്ളതെന്താണെന്നു വച്ചാൽ തിരുവിതാംകൂറിൽ ലാട്ടറിയെ സംബന്ധിച്ചിടത്തോളം നിരോധിച്ചിരിക്കുകയാണെന്നു വരികിലും അത്തരം ലാട്ടറികൾ ഇവിടെ വരാൻ അവകാശമില്ലെങ്കിലും അതിൽ ഉപ്പെടണമെന്നാഗ്രഹിക്കുന്ന ആളുകൾക്കു ലക്ഷക്കണക്കായി വെളിയിൽ നടത്തുന്ന ലാട്ടറികളിൽ ചേരുന്നതിനു സൗകര്യപ്പെട്ടു കൊണ്ടാണിരിക്കുന്നതു്. അതിനാൽ ഒരു ചെറിയ സംഖ്യ കൊടുക്കുകയാണെന്നു വരികിൽ–വിശ്വാസമുള്ള ആളുകളുടെ കയ്യിലേല്പിച്ചിട്ടുണ്ടെന്നു വരികിൽ ഈ തിരുവിതാംകൂറിൽ മാത്രം ആ പണം അവക്കു തിരിയെ കിട്ടാൻ പാടില്ല എന്നുള്ള മനഃസ്ഥിതിയോടുകൂടി നാം പ്രവർത്തിക്കണമെന്നു വിചാരിക്കുന്നതു ശരിയല്ല. ഈ ചിട്ടി നിയമ വിരുദ്ധമാണെന്നു പറഞ്ഞിരുന്നെങ്കിൽ ആരും തന്നെ ഇവിടെ കുറിച്ചിട്ടി തുടങ്ങുകയില്ലായിരുന്നു. അങ്ങനെ ചെയ്യാതിരിക്കുവാനുള്ള സൗകര്യം കൊടുക്കാഞ്ഞതു് ഇവിടെ കുറിച്ചിട്ടി തുടങ്ങിയ ആരേയും തന്നെ ശിക്ഷിക്കാതിരുന്നിട്ടുള്ളതുകൊണ്ടാണു്. വാസ്തവത്തിൽ നിയമസാധുതയില്ലാത്ത ഈ ഒരിടപാടു നടത്തുവാൻ ഗവർമ്മെൻറധികം കാലമായി സൗകര്യപ്പെടുത്തി കൊടുക്കുകയും അതിന്റെ ഗുണാനുഭവത്തെ വിനിയോഗിച്ചുകൊണ്ടും വേറെ എതെങ്കിലും ഗുണത്തെ ആശ്രയിച്ചുകൊണ്ടും ചിലർ, ധർമ്മബോധമുള്ള ആളുകൾ, വല്ല പൊതുസ്ഥാപനങ്ങൾക്കും മറ്റു ധർമ്മാലയങ്ങൾക്കും ഇതുകൊണ്ടു പ്രയോജനമുണ്ടാകട്ടെ എന്നുള്ള ധർമ്മബോധത്തോടുകൂടി മുന്പോട്ടു വരുകയും ആ അവസരത്തിൽ ഇവിടത്തെ ഗവർമ്മെൻറു് അവരെ ശിക്ഷിക്കാതിരിക്കുകയും ചെയ്തതിനാൽ ആ ആളുകളെ വിശ്വസിച്ചു വെളിയിൽ പോകേണ്ടതായ സംഖ്യകൾ അവരെ ഏല്പിച്ചു എന്നുവേണം വിചാരിക്കുവാൻ. ഇപ്രകാരം സംഖ്യകൾ ഏല്പിച്ചു കഴിഞ്ഞതിനുശേഷം ഇങ്ങനെ ഒരു റഗുലേഷൻ കൊണ്ടുവന്നു പാസ്സാക്കുന്നതായാൽ വാസ്തവത്തിൽ മുന്നറിവു കൊടുക്കാതെ തന്നെ അവരെ ഉപദ്രവിക്കുകയായിരിക്കും. ഈ സംഖ്യ തന്നെ അവർ ഇവിടെ കൊടുക്കാതെ വെളിയിലാണു കൊടുക്കുന്നതെങ്കിൽ ഈ ഉപദ്രവം അവക്കു വരുകയില്ലായിരുന്നു. നിയമ വിരുദ്ധമായ കരാർ (Void contract) എന്ന

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നിലക്കുള്ള സംഗതികൾ ഇവിടെ നടത്തിയാൽ അങ്ങനെ ചെയ്യുന്ന ആളുകളെ ശിക്ഷിക്കുന്നതാണെന്നു പറയാതിരുന്ന ആളുകളുടെ കുറവാണ് ഇവിടെ ഇത്രയധികം കുറിച്ചിട്ടികൾ നടത്തുവാൻ കാരണമായതു. ഇപ്പോൾ പണം കൊടുത്തിട്ടുള്ളവരും ആ പണം കൈവശം വച്ചുകൊണ്ടിരിക്കുന്നവരുമായ ആളുകൾക്കു് ആ പണം കൊടുക്കുന്നതിനും വാങ്ങുന്നതിനുമുള്ള സൗകര്യങ്ങൾ കൂടി കൊടുക്കേണ്ടതത്യാവശ്യമാകുന്നു. അതേ സമയത്തുതന്നെ ഉത്തരവാദിത്വമില്ലാതെ പൊതുജനങ്ങളുടെ മുതൽ അപഹരിക്കണമെന്നുള്ള വിചാരത്തോടുകൂടി വല്ലവരും പ്രവർത്തിക്കുന്നുണ്ടെങ്കിൽ അതിനെ തടയേണ്ടതുമാണു്. കുറിച്ചിട്ടികൾക്കായി ഇവിടെ മേലാൽ ഒരു കാര്യവുപോലും പിരിക്കുവാൻ പാടില്ല എന്നുള്ള ഒരു നിർബ്ബന്ധം ഇവിടെ എല്ലാ മെമ്പറന്മാർക്കും സമ്മതമായിട്ടുണ്ടെന്നാണു് എനിക്കു കാണുവാൻ കഴിഞ്ഞിട്ടുള്ളതു്. നമ്മൾ ഈ ബിൽ പാസ്സാക്കി കഴിഞ്ഞാൽ ആ ഉദ്ദേശം സാധിച്ചുകഴിഞ്ഞു. മേലാൽ ജനങ്ങളെ വഞ്ചിക്കാൻ ആരും ഒരുമ്പെടാതിരിക്കണമെന്നുള്ളതാണല്ലോ നമ്മുടെ ഉദ്ദേശം.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ഇതിനു മുമ്പു കുറിച്ചിട്ടി പ്രവർത്തകന്മാരിൽ വല്ലവരും വല്ല വഞ്ചനയും ചെയ്തിട്ടുണ്ടെങ്കിൽ അതു ശരിയാണോ?

MR. P. S. MAHOMED (*Nominated*) : അതു വഞ്ചനയല്ല എന്നാണു ഞാൻ പറയുന്നതു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ഞാൻ മുമ്പു പറഞ്ഞതുപോലെ ജനങ്ങൾ വല്ല ധർമ്മ സ്ഥാപനങ്ങൾക്കുവേണ്ടിയോ അല്ലെങ്കിൽ മറ്റു വല്ല പൊതുകാര്യങ്ങൾക്കു വേണ്ടിയോ കുറിച്ചിട്ടികൾ നടത്തണമെന്നുദ്ദേശിക്കുകയും അതു നിയമവിരുദ്ധമാണെന്നു കരുതാതിരിക്കുകയും ചെയ്തുകൊണ്ടു് അപ്രകാരം പ്രവർത്തിച്ചിട്ടുള്ളതിനാൽ അതൊരിക്കലും ഒരു ചീത്ത വിചാരത്തോടുകൂടി ചെയ്തതാണെന്നു വിചാരിക്കാൻ പാടില്ല. ഇവിടെയുള്ളവരിൽ വളരെ ഉന്നതസ്ഥാനത്തിലിരിക്കുന്നവർപോലും ഇതിൽ ഭാഗഭാക്കായിട്ടുണ്ടു്. വളരെ യോഗ്യന്മാർ കൂടിയും, ഈ ഹൗസിലുള്ള പല മെമ്പറന്മാർ പോലും അതിലേക്കു പണം കൊടുക്കാതിരുന്നിട്ടില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : കുറിച്ചിട്ടികൾ ഏർപ്പെടുത്തീട്ടുള്ളതെല്ലാം പൊതു സ്ഥാപനങ്ങൾക്കുവേണ്ടിത്തന്നെയാണോ?

MR. P. S. MAHOMED (*Nominated*) : അധികവും അങ്ങനെ തന്നെയാണു്.

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MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : അതുകൊണ്ടു മേലാലും പൊതുസ്ഥാപനങ്ങൾക്കുവേണ്ടി കുറിച്ചിട്ടികാര്യം നടത്തികൊണ്ടുപോകുവാൻ അനുവദിക്കേണ്ടതാണെന്നു മെമ്പർ വിചാരിക്കുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : അതനുവദിച്ചു കൊടുത്താൽ വളരെ ദോഷം വരുന്നുണ്ടെന്നു നാം അറിഞ്ഞതുകൊണ്ടു മേലാൽ അതു വേണ്ട എന്നു വയ്ക്കുകയാണു നല്ലതു്.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): ഇപ്പോൾ നിലവിലിരിക്കുന്ന നിയമപ്രകാരം ഇതൊരു നിയമസാധുതയില്ലാത്ത കരാറായതുകൊണ്ടു് (Void Contract) അതു നടത്തുവാൻ അനുവദിച്ചു കൊടുത്തിട്ടില്ലല്ലോ ?

MR. P. S. MAHOMED (*Nominated*) : ഇന്നു ഹൈക്കോടതിക്കുടി സമ്മതിച്ചു കൊടുത്തിരിക്കുന്നു. എന്നാൽ മേലാൽ നാം അതിനനുവദിച്ചുകൂടാ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഹൈക്കോടതി അങ്ങനെ അഭിപ്രായപ്പെട്ടിട്ടില്ല.

MR. P. S. MAHOMED (*Nominated*) : ഇതിനു നിയമസാധുതയില്ലന്നു ഹൈക്കോടതി പറഞ്ഞിട്ടില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അവർ അതു ലാട്ടറിയല്ല എന്നു മാത്രമേ പറഞ്ഞിട്ടുള്ളൂ.

MR. P. S. MAHOMED (*Nominated*) : അവർ ലാട്ടറിയല്ല എന്നു പറഞ്ഞതല്ലാതെ ഇതിലേപ്പെട്ടവരിൽ ആരെയെങ്കിലും ശിക്ഷിക്കണമെന്നഭിപ്രായപ്പെടുകയോ ശിക്ഷിക്കുകയോ ചെയ്തിട്ടില്ല. അതിനാൽ ഈ സംഗതിക്കു മേലാൽ പണം തിരിയെ കൊടുക്കുന്നതുവരെ ശിക്ഷിക്കരുതെന്നു മാത്രമേ എനിക്കഭിപ്രായമുള്ളൂ. ഇന്നു തലയാളന്മാരുടെ കൈവശമിരിക്കുന്നതായ പണം അവരെന്തു ചെയ്യണം? തിരിയെ ഏല്പിക്കുവാൻ അവരെ അനുവദിക്കുകയാണു നാം ചെയ്യേണ്ടതു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : തലയാളൻ ഉദ്ദേശിച്ച തുക പിരിക്കാൻ സാധിച്ചില്ലെങ്കിൽ ഉദ്ദേശിച്ചതുപോലെ കൊടുക്കുവാൻ സാധിക്കുകയില്ലല്ലോ?

MR. P. S. MHOMED (*Nominated*) : ഇല്ല.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): ഇതിനു മുമ്പു കുറിച്ചിട്ടി ശിക്ഷാർഹമായിരുന്നില്ലെന്നാണോ മെമ്പർ പറയുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): അതേ! ഈ ബില്ലു പാസ്സായാൽ പിന്നെ അതിലുൾപ്പെട്ട സാധുക്കൾക്കു് ഒന്നും ലഭിക്കാതെ വരുവാനിടയുണ്ടു്.

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MR. K. GEORGE (*Chief Secretary to Government*): ഏതു സാധുക്കൾക്കു പണം കൊടുക്കണമെന്നാണു പറയുന്നതു്? പണം കൊടുത്തവക്കാണോ?

MR. P. S. MAHOMED (*Nominated*) : ആരു പണം കൊടുത്തു രസീതു വാങ്ങിച്ചിട്ടുണ്ടോ അവക്കു്.

MR. K. GEORGE (*Chief Secretary to Government*) : നാലോ അഞ്ചോ പേക്കു കൊടുത്താൽ മതിയോ?

MR. P. S. MAHOMED (*Nominated*) : അമ്പതിനായിരം പേക്കു കൊടുക്കുന്നതിനും സൗകര്യം കിട്ടും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : പണം എല്ലാവക്കും കൊടുക്കുന്നതിനു സൗകര്യം കിട്ടുമെന്നാണോ മെമ്പർ അഭിപ്രായപ്പെടുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): എല്ലാവക്കും പണം കൊടുക്കാൻ കഴിയും, ഇങ്ങനെയായാൽ അതിനുള്ള സൗകര്യം അവക്കുണ്ടാകുമെന്നു തന്നെയാണു ഞാൻ വിചാരിക്കുന്നതു്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : അങ്ങനെ ചെയ്തില്ലെങ്കിൽ അതു ലാട്ടറിയാകുകയില്ലയോ?

MR P. S. MAHOMED (*Nominated*) : അപ്രകാരം ചെയ്തില്ലെങ്കിൽ, പണം തിരിയെ ഏല്പിക്കുവാനുള്ള സൗകര്യംകൂടി അവക്കു കൊടുത്തില്ലെങ്കിൽ അതു ലാട്ടറിയാകും, അതു ശിക്ഷാർഹമാകും. ഇപ്പോഴത്തെ ബില്ലു പാസ്സാകുകയാണെങ്കിൽ പണമവക്കു കൊടുക്കുവാൻ സാധിക്കുകയില്ല. മി. ആശാന്റെ ഭേദഗതി സ്വീകരിക്കുന്ന പക്ഷം മേലാൽ ഒരൊറ്റ കാശുപോലും പൊതുജനങ്ങളുടെ അടുക്കൽനിന്നും പിരിക്കുവാനൊക്കുകയില്ല. ഇവിടെ ചില മെമ്പറന്മാർ അഭിപ്രായപ്പെട്ടതുപോലെ ഇതിന്റെ പ്രവർത്തകന്മാരിൽ ചിലർ കള്ളന്മാരാകുകയാണെങ്കിൽ തന്നെയും ചിലക്കു പണം കിട്ടിയെന്നുവരാം. ചിലക്കു കിട്ടിയില്ലെന്നും വരാം. ഈ ബില്ലു പാസ്സായാൽ ആക്കും ഒരു കൊച്ചുകാശുപോലും കിട്ടുകയില്ല. തിരിയെ ചോദിക്കുവാൻ പാടുള്ളതുമല്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : ഇപ്പോഴത്തെ തലയാളന്മാരുടെ കൈവശം ഇരിക്കുന്ന പണംകൊണ്ടു വ്യവസ്ഥ അനുസരിച്ചു വീതിച്ചു കൊടുക്കാനൊക്കുകയില്ലേ?

MR. P. S. MAHOMED (*Nominated*): സാധിക്കുകയില്ല. അതിനുള്ള കാരണമെന്താണെന്നുവച്ചാൽ ഒരു വലിയ സംഖ്യചിലവോടുകൂടിയാണു് അവർ കുറിച്ചിട്ടികളും നടത്തുന്നതു്. അതു കഴിച്ചു ബാക്കി വരുന്ന

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[Mr. P. S. Mahomed.]

സംഖ്യ കൊണ്ട് അവരുടെ വ്യവസ്ഥക്കനുസരിച്ച് ഉടനടി കൊടുക്കുവാൻ സാധിക്കുമെന്നു തോന്നുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഈ ഭേഗതി പാസ്സായാൽ ഇവർക്കെല്ലാം പണം കിട്ടുമോ?

MR. P. S. MAHOMED (*Nominated*) : ഒരു പക്ഷെ കിട്ടിയെന്നുവരാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അവർ ചിട്ടി നടത്തിയില്ലെങ്കിലോ?

MR. P. S. MAHOMED (*Nominated*) : ചിട്ടി അവർ നടത്തുന്നില്ലാത്ത പക്ഷം--

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : ചിട്ടി അവർ നടത്താതിരിക്കുന്നപക്ഷം അതു നിയമസഭയിൽ അപ്രകാരമൊരു നിയമം പാസാക്കിയതു കൊണ്ടാണെന്നു പറയുകയില്ലല്ലൊ?

MR. P. S. MAHOMED (*Nominated*): ശരിതന്നെ : ഈ ബിൽ ഇതേ രൂപത്തിൽ പാസ്സാകുകയാണെല്ലിൽ ആക്കും പണം കിട്ടുകയില്ലെന്നുള്ളതു കണ്ണിശം.

MR K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : പണം എല്ലാവക്കും കൊടുക്കേണ്ടതാണെന്ന മെമ്പറിനഭിപ്രായമുണ്ടൊ?

MR. P. S. MAHOMED (*Nominated*) : കിട്ടണമെന്നാഗ്രഹമുള്ളവക്കെല്ലാം കൊടുക്കണം.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : സംഭാവന (Subscribe) ചെയ്ത സംഖ്യമാത്രം തിരിയെ കൊടുത്താൽ മതിയെന്നുള്ള അഭിപ്രായമുണ്ടൊ?

MR. P. S. MAHOMED (*Nominated*) : അതു തന്നെ സാധിക്കുകയില്ല എന്നാണു ഞാൻ പറയുന്നതു്. സംഭാവനചെയ്തിട്ടുള്ള തുക തിരിയെ കൊടുക്കണമെങ്കിൽ അവർ പറയുന്നതനുസരിച്ചുള്ള സമയം കൊടുക്കണം.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : മേലാൽ ഒരു കാര്യവും പിരിക്കാൻ പാടില്ല എന്നു പറയുമ്പോൾ ഉദ്ദേശിച്ചതുപോലെയുള്ള തുക കൊടുക്കുവാനൊക്കുമൊ?

MR. P. S. MAHOMED (*Nominated*) : ഇപ്പോൾ ഉടനടി കൊടുക്കണമെന്നു പറഞ്ഞാൽ കൊടുക്കാനൊക്കുകയില്ല. എന്നാൽ അവക്കു അവർ വ്യവസ്ഥ ചെയ്തിട്ടുള്ള സമയം കൊടുത്താൽ അവർ ഉദ്ദേശിച്ചതുപോലെയുള്ള തുക കൊടുക്കാൻ സാധിക്കുമെന്നാണു ഞാൻ പറയുന്നതു്.

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MR. A. THANU PILLAI (*Trivandrum*). ഇപ്പോൾ അവരുടെ കൈവശ മിരുപ്പുള്ള സംഖ്യ വീതിച്ചു കൊടുത്താലെന്താണ്?

MR. P. S. MAHOMED (*Nominated*): അവരെ വിശ്വസിച്ചു പ്രവത്തിച്ചതായ ആളുകൾക്ക് അവർ തന്നെ വാഗ്ദത്തം ചെയ്തിരിക്കുന്നതായ സംഖ്യ കൊടുക്കാതിരിക്കുന്നതു ശരിയായ മര്യാദയാകുകയില്ലല്ലൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പ്രാരംഭ ചിലവുകൾക്കായി ഒരു വലിയ സംഖ്യ ചിലവായതുകൊണ്ടു് ഉദ്ദേശിച്ച തുക പിരിച്ചെടുത്തു കൊടുക്കണമെന്നാണോ മെമ്പർ പറയുന്നതു?

MR. P. S. MAHOMED (*Nominated*): പിരിക്കുകയേ വേണ്ട.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പിന്നെ എങ്ങനെയാണവർ പണം കൊടുക്കുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): അവരുടെ ആദായം കൊണ്ടു കൊടുക്കണമെന്നു മാത്രം.

MR. JOSEPH KUNJU (*Changanachery cum Vaikom*): അവർ ആഗ്രഹിക്കുന്ന സംഖ്യ അനുസരിച്ചു തന്നെ അവക്കു കൊടുക്കണമെന്നു പറഞ്ഞു. ഇനിയും പണം പിരിക്കുന്നില്ലങ്കിൽ അവരാഗ്രഹിക്കുന്ന തുക കൊടുക്കാൻ കഴിയുമൊ?

MR. P. S. MAHOMED (*Nominated*): സാധിക്കും. അവർ വിചാരിക്കുന്ന സമയം അവക്കു ലഭിക്കുകയാണെങ്കിൽ ഒരു പിരിവു നടത്താതെ തന്നെ തലയാളന്മാരുടെ കൈവശമിപ്പോഴുള്ള പണത്തിന്റെ ആദായം കൊണ്ടു് അവരുടെ ആഗ്രഹമനുസരിച്ചുള്ള തുക കൊടുക്കാം.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): അതു വളരെ സമയം കാത്തിരിക്കാതെ ഇപ്പോൾ കൈവശമുള്ള തുക കൊടുത്താൽ എന്താണു്?

MR. P. S. MAHOMED (*Nominated*): അങ്ങനെ കൊടുത്താൽ ഒരോരുത്തക്കും കിട്ടുന്നതു വളരെ നികൃഷ്ടമായ ഒരു തുകയായിരിക്കും.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): ഇഷ്ടമുള്ള ആളുകൾക്കു തിരിയെ കൊടുക്കുന്നതിനു തടസ്സമുണ്ടൊ?

MR. P. S. MAHOMED (*Nominated*): ഒന്നാമതു നാലണ തന്നെ തിരിയെ കൊടുക്കണമെന്നു നിർബന്ധിക്കുവാൻ പാടില്ലെന്നു ചില വ്യവസ്ഥകളിൽ പറഞ്ഞിരിക്കും. ഒരു നിയമവിരുദ്ധമായ കരാ (Illegal Contract) റും പ്രകാരം ഈ പ്രവർത്തനത്തിൽ നിയമപരമായുള്ള നിർബന്ധവും വിഷമമായിരിക്കും.

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MR. JOSEPH KUNJU (*Changanachery cum Peermade*). തിരുവിതാംകൂറിലെ കുറിച്ചിട്ടികളെല്ലാം ഒരേതരം വ്യവസ്ഥകളോടു കൂടിയതാണൊ?

MR. P. S. MAHOMED (*Nominated*): അല്ലായിരിക്കും. പിരിച്ചു കൈവശം വച്ചിട്ടുള്ള പണം ഏതു നിലയിലായാലും തിരിച്ചു കൊടുക്കുകയും വേണം.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): പല വ്യവസ്ഥകളും ഉള്ള കുറിച്ചിട്ടികളുണ്ടെന്നു മെമ്പർ പറഞ്ഞുവല്ലൊ. അതിൽ ഏതു കുറിച്ചിട്ടിയെപ്പറ്റിയാണ് ഇപ്പോൾ പറയുന്നതു?

MR. P. S. MAHOMED (*Nominated*): എല്ലാ ചിട്ടികളെപ്പറ്റിയും എനിക്കുള്ള അഭിപ്രായം ഇതു തന്നെയാണ്.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): തിരുവിതാംകൂറിലുള്ള കുറിച്ചിട്ടികളും എല്ലാം തന്നെ മിക്കവാറും ഒരേ വ്യവസ്ഥയോടുകൂടി നടത്തി വരുകയല്ലയൊ?

MR. K. P. NILAKANTA PILLAI; (*Chirayinkil*): ഇപ്പോഴുള്ള ഏതെങ്കിലും കുറിച്ചിട്ടി എല്ലാവക്കും പണം കൊടുത്തു കൊണ്ടിരിക്കുന്നുണ്ടൊ?

MR. P. S. MAHOMED (*Nominated*): മാസംതോറും കുറെ ആളുകൾക്കു പണം കിട്ടിക്കൊണ്ടിരിക്കും.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): ഏതെങ്കിലും കുറിച്ചിട്ടിയിൽ ചേന്നിട്ടുള്ള സകല ആളുകൾക്കും ഇതിനുമുമ്പു പണം കൊടുത്തു തീർത്തിട്ടുള്ളതായി അറിയാമൊ?

MR. P. S. MAHOMED (*Nominated*): അവർ നിർണ്ണയിച്ചിട്ടുള്ള സമയം തീർന്നു കഴിഞ്ഞു എങ്കിൽ മാത്രമെ എല്ലാവക്കും പണം കൊടുത്തു തീർക്കുവാൻ ഒക്കുകയുള്ളു. എന്നാൽ ഇപ്പോഴും പണം കൊടുത്തു കൊണ്ടിരിക്കുന്നുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): വല്ലവക്കും പണം കൊടുക്കാതിരിക്കുന്നതു മെമ്പർ കണ്ടിട്ടുണ്ടൊ?

MR. P. S. MAHOMED (*Nominated*): ഞാൻ കണ്ടിട്ടില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): അപ്പോൾ ഇതുവരെ കാലാവധി തീർന്നിട്ടുള്ള ഒരു കുറിച്ചിട്ടിയും മെമ്പർ കണ്ടിട്ടില്ല. അല്ലേ?

MR. P. S. MAHOMED (*Nominated*): ഇല്ല.

MR. A. THANU PILLAI (*Trivandrum*): മെമ്പറിന്റെ അറിവിൽ പെട്ടിട്ടുള്ള കുറിച്ചിട്ടികളിൽ ഏറ്റവും കൂടുതൽ കാലാവധി വച്ചിട്ടുള്ളതു എതു കൊല്ലമാണ്?

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MR. P. S. MAHOMED (*Nominated*): ഏകദേശം പത്തു കൊല്ലംവ രെ കാലാവധി വച്ചിട്ടുള്ള കുറിച്ചിട്ടികൾ ഞാൻ കണ്ടിട്ടുണ്ട്.

MR. A. THANU PILLAI (*Trivandrum*): അതുവരെ ഇതിന്റെ തലയാൾ ജീവിച്ചിരിക്കുമോ എന്നുള്ള സംശയം അള്ളുകാരുക്കു വരുകയില്ലയോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): മെമ്പറുടെ വിശ്വാസം മെമ്പർ എത്രകൊല്ലം ജീവിച്ചിരിക്കു മെന്നാണ്?

MR. P. S. MAHOMED (*Nominated*): ലോകത്തിലുള്ള മനുഷ്യരെല്ലാം ജീവിച്ചിരിക്കുമെന്നുള്ള വിശ്വാസത്തോടുകൂടി മാത്രമാണ് ഓരോ പ്രവൃത്തിയിൽ ചെന്നുപ്പെടുന്നതു്. മരണത്തെ സംബന്ധിച്ചിടത്തോളം മുൻകൂട്ടിയൊന്നും പറയാൻ പാടില്ലാത്തതുകൊണ്ടും ഇപ്പോഴും വാദപ്രതിവാദം അതിനെ ആശ്രയിച്ചിരിക്കാത്തതുകൊണ്ടും ഈ ചോദ്യത്തിനുത്തരമായി ഞാനൊന്നും പറയണമെന്നു വിചാരിക്കുന്നില്ല. ഞാൻ മി. ആശാന്റെ ഭേദഗതിയോടു പൂർണ്ണമായി യോജിക്കുകയുള്ളൂ.

The Council adjourned for lunch at 2-3 P. M. and re-assembled at 2-46 P. M.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*): From what I have heard, Sir, I fear the history of kurichitties in Travancore has not been completely understood by the members who opposed the amendment. Kurichitties have never been considered to be immoral or illegal here. Certain transactions resembling to some extent the kurichitties have been declared as lotteries by a ruling of the High Court reported in 18 T. L. R. When this Chitty Regulation was brought into existence this ruling of 18 T. L. R. and other case law on the point were considered. What the Government member who introduced the Chitty Regulation before the Council, has stated with regard to these kurichitties is this: he gives the reasons why these transactions were declared void in the Regulation. He does not say that they are illegal. There is some difference between an *illegal* transaction and a *void* transaction. What he says is

> "Is it possible to safeguard the interests of the subscriber by allowing such heavy sums to be in the hands of the foreman? Is there any guarantee that all the subscribers will be paid? Is not the amount of profit earned by the foreman out of all proportion to his trouble? If such classes of chitties are allowed to be legal would it not be offering a premium to drive a coach and four over the 18 T. L. R. ruling I think that in the Chitties Regulation such chitties should be declared *void* though not *illegal*."

So we must remember that at the time when the present Chitties Regulation was passed there was no idea on the part of the Government or the legislature to declare these chitties *illegal*. All that it said was that the courts of law would not enforce any claim arising out of them.

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Mr. A. S. Damodaran Asan.]

My friend Mr. Thanu Pillai was saying that no honest man will enter into such transaction, because it cannot be enforced in a Court of Law.

MR. A. THANU PILLAI (*Trivandrum*) : I am responsible only for the first half of the sentence.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir, suppose I repay a debt barred by law.

MR. A. THANU PILLAI (*Trivandrum*) : Does the member realise that that is not prohibited by law ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Kurichitties also have not been prohibited by law ; only the law will not assist the parties

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : How long ago was the Chitties Regulation passed, Sir ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : It was passed in 1094. Now several persons have started kurichitties. The agreement in these kurichitties is that the money would be paid with some interest. But the money cannot be realised through a court of law. It is only by mutual trust that these transactions are entered into. When many persons have subscribed to a chitty in their complete confidence in the foreman, why should the Legislature now step in and say that he should not be allowed to do so.

Sir, what is the object of the present Bill. Is it to prevent trafficing upon the credulity of the people ? Is it to see that poor people are not deprived of their small savings ? Is it on the technical ground that a void transaction should not be allowed to be conducted ? Is it because all on a sudden, Government thought that the conducting of kurichitties is something like infanticide ? I think, Sir, that the object of the mover is to see that cunning persons, who do not want to return the money collected, do not take full advantage of the illiteracy or credulity of poor people.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : How is the distinction to be made ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I do not understand the question.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : How are we to legislate specially for dishonest individuals ? How is it possible to pick out dishonest men from among the foremen ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : We are legislating for all alike. If all are honest there is no need for any legislation. It is presumed that there are some who will not keep their promises. It is for them that we have enactments and courts to enforce them.

Sir, when I asked the Law Member why he insisted upon prohibiting the conduct of all future chitties, he said that that was because there was Section 4 which declared them void. The law is strict ; we must follow it. Sir, the object of a new legislation is to rectify

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mistakes in the law in force, or when there is much of divergence of opinion in the Courts' interpretation of the law in force, or when the law has ceased to suit the conditions of the country. Now what is the position in the present instance? Does the Law Member think that the number of kurichitties in the State has increased to such an extent that it is causing much annoyance to the public at large and that it is enabling a few deserving and intelligent men to exploit the credulity of the people or does he want the majority of law to be maintained by enacting this measure? Is it the Law Member's contention that at the time Section 4 was enacted the Legislature made this provision by oversight? Does he question the fact that at the time the present Regulation was enacted, the Legislature was fully alive to the implications of the provisions? I should think, Sir, that we give full credit to the Legislature for having enacted all that it intended. The only point of the Law Member seems to be that a number of these chitties have been started and that they are being worked against the interests of the general public. Sir, how are we to protect the interests of the people?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is the member aware of any volume of public opinion against these kurichitties?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Otherwise why should the Government bring in such a Bill?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The member is a responsible citizen of Travancore. Is he aware of any volume of public opinion urging for such a piece of legislation?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Such intensity of feeling in the matter has not been brought to my notice.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Has it been brought to the notice of the member that even breach of peace has occured at some of these kurichitties when lots were being drawn?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am not aware.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is the member aware that at Venniode near Warkala.....

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Can questions be asked to give information?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have not heard of any such incident.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For what purpose does the member say the public must agitate?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): For enacting such a measure.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Does the member know that a resolution to declare kurichitties illegal was tabled by me?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Government anticipated that and brought in this Bill, perhaps?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does not a resolution by a member of this House reflect any opinion?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In this particular instance, I do not know whether the resolution reflects the opinion of the Government or of the people.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): To a certain extent it must be considered to represent public opinion.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Certainly; I did not say that it must be discredited. My point is this. If the object of the Government is to prevent a few scheming gentlemen from defrauding thousands of illiterate people of their small savings and making huge profits for themselves, then my amendment would serve the purpose. It prohibits future starting of such chitties. But when the foremen have already collected and are in possession of large sums of money, when they are prepared to disburse them according to the original agreement, should the legislature interfere and say that they should not do it?

That is my question. Many questions were asked as to why these people should not be allowed to return the amount they have received. Well Sir, that is not practicable. As already stated here a considerable part of the money might have been spent for collecting the money and defraying preliminary expenses. A sum of 4 annas or eight annas might have been collected from hundred thousands of people. After meeting the preliminary expenses, is it a practicable proposition to ask the foreman to return all the money he has collected on one day. It is like asking him to return the money such as four annas and eight annas by money order including the commission. Without $1\frac{1}{2}$ to $3\frac{1}{2}$ chuckrams for multiples of Rs. 5 and below no money could be transferred from one part of the country to another. It is certainly unfair and unreasonable to ask the foreman to return the amount after deducting the amount he might have incurred for collecting the money from the different subscribers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it possible for him to find out the actual balance and return them?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Under some calculation it will not be difficult for him to return the amount to subscribers who hoped to get it. My point is this.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I ask one question? Is the difficulty in ascertaining the amount or finding out the men?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I think there is no difficulty in finding the amount, and returning them to the subscribers concerned. The only thing is if there are a thousand men yet to be paid, the balance of the amount may be permitted to be disbursed in the course of ten years.

MR. A. THANU PILLAI (*Trivandrum*): What is the difficulty if the amount is paid back I don't understand?

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): There is some calculation here and I will read it for the information of the member.

MR. A. THANU PILLAI (*Trivandrum*): I do not want the member to quote decisions.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I will read only the calculation.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is it a calculation based on speculation?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is only a calculation.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): May I know, will not the amount paid accrue with interest?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): If so, why not pay the amount deducting interest?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Foremen should be given some time to disburse the amount.

MR. A. THANU PILLAI (*Trivandrum*): Why not he pay the amount now available without any interest? Could he not pay the principal amount at least?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That will be only a very small amount.

Is it a crime on the part of any person to see that the foreman fulfils the contract he has entered into with a large number of persons? Why do you intervene in the contract he has entered into and carrying it out, and why should the Legislature say "Don't do it, we will come and settle it"?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Does Mr. Asan's amendment prohibit future collections?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): How will the contract be enforced then?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Prizes given will be in proportion to the amount collected.

In view of the fact that these people have not been conducting an immoral or illegal trade, and in view of the fact that large number of people have taken tickets in the belief that the foremen will carry out his duties properly, I suggest that it is not proper for the Legislature to say that they should not carry out the contract.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Even if the Bill as it is, is passed is there anything which prohibits the disbursing of the amount?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That has been answered a hundred times.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): According to the contract there is some arrangement to disburse the amount covering over so many years.

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DEPUTY PRESIDENT: I think that question has been answered.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The strongest case made against my amendment is that it does not make any provision to enable the subscribers to realise the amount they have paid to the foreman. That appears to be the strongest condemnation levelled against my amendment. If so the Law Member's amendment also is open to the same condemnation. My suggestion is that the subscribers knew that they could not enforce payment back from the foreman through a court of law. It is not done with that view either. The parties enter into contracts with the full belief of trusting one another. The object of my amendment is to see that this is not perpetuated and that the kurichitties do not come into existence in future. I think there is no difficulty in accepting that amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does the member suggest any provision for the return of the amount to the subscribers?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): When that amendment is moved, I will hear the rest of the members on that point and then say as I like.

I have one more suggestion to make. In the earlier clause it is stated 'any person who will hereafter conduct any transaction of the nature of those declared void by Section 4.....', that is how the amendment begins. My amendment is to substitute "transactions declared void by Section 4".

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): With your present amendment, how will the section read?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): 'Any person who conducts or is responsible for the conduct of any transaction of the nature of those declared void by Section 4..... "I want to suggest the addition of two words only *viz.*, "of the nature". If there is no objection I shall add those words. I think, in order to make the sense complete, the addition of those words is necessary.

DEPUTY PRESIDENT: If it is only a verbal amendment it is alright.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is not exactly verbal. Transactions of the nature of those declared void—that is comprehensive.

DEPUTY PRESIDENT; It is only a verbal alteration.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It widens the scope though verbal.

DEPUTY PRESIDENT: Alright you may move with the alteration.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Substitute "transactions of the nature of those declared void" instead of "transactions declared void".

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it open to discuss the amendment with the addition now proposed?

DEPUTY PRESIDENT: It does not in any way enlarge the principle of the amendment originally moved by Mr. Asan.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have nothing more to say on my amendment I press my amendment to a division.

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DEPUTY PRESIDENT: Have you anything to say about your amendment Mr. Nilakanta Pillai?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Many of the members got surprised when I moved such an amendment. It is a surprise to me also that very many members who expressed their surprise were not aware of similar provisions in law. Prabably they forgot there is nothing like escheat to Government when a property is left without ownership. Here the question is subscribers cannot enforce the foreman who says that he is prevented by law from paying the amount. The foreman on account of the moral responsibility involved on him does not want the amount to be kept with him. In such a contingency instead of the money being thrown into the Arabian sea, it is better to be in the hands of the Government.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I think the member will be satisfied if the money is thrown into the sea.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Better leave the member to himself. Why should his opinions be thrust upon me?

DEPUTY PRESIDENT: Members must address the Chair.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Since I thought that the House was labouring under a superhuman difficulty in finding out a way for the money with the foreman, I suggest it is better Government take over the money because it is an ownerless property. There is nothing astounding in my proposition. The Government may utilise the amount for the benefits of the people at large. If the members have no objection, I have nothing more to say on the amendment. I once again repeat that if the money remains with Government it will only be for the benefit of the country. I am tired on account of the neverending discussions.

DEPUTY PRESIDENT: As Mr. Krishna Pillai is not present and as his amendment before the House is accepted by Mr. Asan I put the amendment of Mr. Asan for the vote of the House. If it is the sense of the House that Mr. Krishna Pillai's amendment should be put to vote, I shall do so. The sense of the House was for putting the amendment of Mr. Asan to vote.

Mr. Asan's amendment is to the following effect.

For Section 53 substitute the following:

"Any person who, hereafter starts or conducts any transaction of the nature of those declared void by Section 4 and any person who collects or solicits any money for any such transaction shall be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both."

Those who are in favour of the amendment, please raise their hands.

The amendment was declared lost.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I demand a poll.

A poll was taken with the following result.

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AYES 7.

1. Mr. K. Gopalakrishna Pillai	4. Mr. E. V. Krishna Pillai
2. ,, A. S. Damodaran Asan	5. ,, M. N. Narayana Menon
3. ,, K. C. Kocheeppan Mappillai	6. ,, P. S. Mahomed
	7. ,, K. Kunjukrishna Pillai.

NOES—21.

1. Mr. K. P. Abraham	12. Mr. A. Kumara Pillai
2. ,, S. Chattanatha Karayalar	13. ,, C. N. Srirenganatha Sastri
3. ,, K. P. Kochukora Tarakan	14. ,, R. Nilakanta Pillai
4. ,, K. Krishnan Nayar	15. ,, Kayalam Parameśvaran Pillai
5. ,, M. Mahomed Mustapha	16 ,, B. Narayana Pillai
6. ,, K. P. Nilakanta Pillai	17. ,, R. Dhanukoti Pillai
7. ,, K. P. Madhavan Pillai	18. ,, S. C. H. Robinson
8. ,, R. S. Subrahmanya Pillai	19. Rao Sahib Dr. N. Kunjan Pillai
9 ,, N. A. Sundaram Pillai	20. Mr. J. S. Westerdale
10. ,, A. Thanu Pillai	21. ,, C. O. Madhavan.
11. ,, K. George	

NEUTRALS—3.

1. Mr. Joseph Kunju	3. Mr. M. P. Madhavan Pillai.
2. ,, K. C. Chandi	

The amendment was declared lost, 7 voting *for* the amendment, 21 *against* and 3 remaining *neutral*.

DEPUTY PRESIDENT: Mr. K. P. Nilakanta Pillai, do you press your amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I do not press my amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I have an amendment to move. In clause 53, line 2, insert after the word "transaction" the words " of the nature of those".

The House has accepted the principle underlying Section 53. For this amendment I have practically borrowed the terminology used by Mr. Krishna Pillai and by Mr. Asan.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

DEPUTY PRESIDENT: I take it that the motion is carried. I put it that clause 53 as amended do stand part of the Bill.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I oppose it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I oppose it?

The clause was put to vote and declared carried, 26 voting *for* and 2 voting *against*.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I demand a poll.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I demand a poll.

A poll was taken and the House divided as follows :

AYES—26.

1. Mr. Joseph Kunju	15. Mr. A. Thanu Pillai
2. ,, K. P. Abraham	16. ,, K. George
3. ,, K. C. Chandy	17. ,, A. Kumara Pillai
4. ,, S. Chattanatha Karayalar	18. ,, C. N. Srirenganatha Sastri
5. ,, A. S. Damodaran Asan	19. ,, R. Nilakanta Pillai
6. ,, K. Gopalakrishna Pillai	20. ,, Kayalam Paramesvaran Pillai
7. ,, K. Krishnan Nair	21. ,, B. Narayana Pillai
8. ,, M. N. Narayana Menon	22. ,, R. Dhannkoti Pillai
9. ,, M. Mahomed Mustapha	23. ,, S. C. H. Robinson
10. ,, K. P. Nilakanta Pillai	24. Rao Sahib Dr. N. Kunjan Pillai
11. ,, N. A. Sundaram Pillai	25. Mr. J. S. Westerdale
12. ,, K. P. Madhavan Pillai	26. ,, C. O. Madhavan,
13. ,, M. P. Madhavan Pillai	
14. ,, R. S. Subrahmanya Pillai	

NOES – 2.

1. Mr. K. Kunjukrishna Pillai
2. Mr. E. V. Krishna Pillai.

NEUTRALS—3.

1. Mr. K. P. Kochukora Tarakan	3 Mr. K. C. Kocheeppan Mappillai.
2. ,, P. S. Mahomed	

The question that clause 53 as amended do form part of the Bill was declared carried 26 voting *for*, 2 *against* and 3 remaining *neutral*.

The clause was added to the Bill.

The question that the Preamble do stand part of the Bill was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I now make the motion that the Bill as settled by the Council be taken up on a subsequent day and passed. It is to be moved for the third reading tomorrow.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

The motion was put and carried.

DEPUTY PRESIDENT : We will now adjourn and meet tomorrow at 8 o'clock.

The House adjourned at 3-20 P. M. to meet at 8 A. M. the next day.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

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